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ABSTRACT

Textbooks on government invariably include sections on state and local government, but because of the diversity of political structures existing on the local level, most material is general and not very satisfactory in helping students understand their immediate political environment. This resource was put together to help teachers gather relevant information and put it into perspective. The document unfolds four major concepts--government has become the chief social institution charged with the responsibility of maintaining the stability of society, and this charge is made increasingly difficult as modern American society changes rapidly and intensely; an orderly procedure of self-taxation supports government; government, like all institutions of society, must respond to change, and in our form of democracy the nature and direction of government response to change is conditioned by the extent of popular participation in political processes; and state and local government units are created and altered to meet specific needs of people within those units. The four parts of the document are on the challenges the state governments must meet, the financing of services, the political processes for decision-making, and the delivery of services. (Author/IRT)

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government in oregon

A Resource on
State and Local Government

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Verne A. Duncan
State Superintendent of Public Instruction

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edited by David Arlington
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FOREWORD

When this country lowered the voting age to 18, it provided its schools with a challenging opportunity to assure that new voters will graduate with the skills and knowledge necessary to be confident and active participants in government at all levels.

It is perhaps true that average Oregon citizens today know far more about the national government, whose headquarters is 2500 miles away, than they do about government serving them on the local level.

Teachers sometimes have easy access to educational materials designed to explore all facets of the federal government, however, appropriate information for the study of state and local government often is not readily available. Textbooks on government invariably include sections on state and local government, but because of the diversity of political structures existing on the local level in this country, most material published for schools is general and therefore not very satisfactory in terms of helping students understand their immediate political environment. The task of gathering relevant information from a number of sources, putting it into perspective, and fitting it into the curriculum is simply too time-consuming for the classroom teacher to attempt.

To help with the first two steps of this task, the information in this resource has been organized around four key concepts to stress interrelationships among units of government. Additional resources where teachers may turn for help may be found in a separate section, and teachers are encouraged to duplicate any matter herein they think useful. For example, most illustrations are suitable for transparencies.

Clearly, the people creating this publication do not consider it a finished product. Continuous updating of information will of course be necessary as changes in government take place. But beyond such changes, these people need to know: How useful is this book?

To help them revise it, teachers–and anyone else–using *Government in Oregon* are encouraged to communicate their successes, failures and additional needs to Herman A. Washington, Social Studies Specialist at the Oregon Department of Education.

VERNE A. DUNCAN
State Superintendent of Public
Instruction

ACKNOWLEDGMENTS

Publication of a resource such as this one would be impossible without cooperation from government agencies at all levels and without generous contributions many persons in and out of government make.

As the asymptote, so this book. It ambitiously undertakes to capture state and local government in Oregon. It doesn't do it. Nothing will hold still long enough.

But credit must go to those who tried. Hopefully this revision improves upon the edition before, as may editions after improve upon this one. Numerous organizations, through their representatives or their publications, helped bring the information up to date. Robert E. James, graduate student at Oregon College of Education, coordinated early efforts with Herman A. Washington, Social Studies Specialist at the Oregon Department of Education.

Other individuals, though many here likewise anonymous, worked at making this revision simple and direct. Especially helpful were Joel Martin, Information Representative at the Oregon Department of Revenue, and Robert E. Gangware, Courts Information Director at the Oregon Supreme Court. David Arlington, Curriculum Publications Specialist at the Oregon Department of Education, edited the work; Keith Rislove, Graphic Artist at the Department of Education, designed the layout.

Similarly, acknowledgment must go again, at least by way of reminder, to those who brought to being in 1971 the original *Government in Oregon.* They began from scratch.

INTRODUCTION

STUDENT PREPARATION FOR CITIZENSHIP

What can one say generally to students interested in preparing for citizenship? The following suggestions are perhaps thought of best as the points of departure for discussion:

1. Prepare yourself to be a contributing citizen; take all the education you can absorb and the community will provide; develop toward a socially useful career at the highest level of skill of which you are capable.

2. Join a political party or other political group–many of them have special clubs for young people; inform yourself about the structure of government and keep yourself continuously informed about the issues; of course, register and vote when the time comes.

3. Most difficult of all, act for what you believe. Don't be afraid to ask questions about public business in public meetings. Don't hesitate to put forward your own proposals for solutions to public problems, when you have thought them through. At times the only responsible thing to do is to protest.

4. Specialize. Within your club or other political group, be the one who is expert on agriculture, space, disarmament, civil rights, labor, foreign commerce, or some other subject of particular concern to you. Become familiar with sources of information you can trust. No one can be expert on all the issues mentioned on the front page of a good metropolitan newspaper. By dividing the intellectual labor, your group can keep itself informed.

Because modern life is complex, we have become accustomed to thinking that the individual can do nothing, and that he cannot know the right course for the society. We have become diffident, apathetic. It is helpful to remember that if we as individuals feel strongly about something, the chances are quite good that many others will feel the same way. In the words of Supreme Court Justice Louis D. Brandeis: "Do not compromise with evil. Be sure you are 51 percent right, then act." Remember–democracy calls for intelligence, good will, patience, and courage. No other way of life demands so much from so many, but none other holds the same promise of prosperity and freedom.

–Paul Tillett, "Teaching and Creative Citizenship" in *Political Science in the Social Studies* (Washington, DC: National Council for the Social Studies, 1966).

Through such discussion, students may themselves "discover" generalizations. To help them do so, *Government in Oregon* unfolds four major concepts, each in turn perhaps suggesting the following or other related concepts.

GOVERNMENT HAS BECOME THE CHIEF SOCIAL INSTITUTION CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE STABILITY OF SOCIETY. THIS CHARGE IS MADE INCREASINGLY DIFFICULT AS MODERN AMERICAN SOCIETY RAPIDLY AND INTENSELY CHANGES.

- Government in the United States is based on the idea that all citizens have equal rights under the law.
- Every community needs some form of government to make and apply laws.
- Laws sometimes compel us to do things against our will (e.g., pay taxes, serve in the armed forces).
- Technological developments tend to hasten social change.
- Institutions tend to persist in their original form, or at least to change slowly and reluctantly.
- Government units are created for specific purposes and thus tend to produce splintered approaches to broad social problems.
- Problems are the price of progress, and progress generally involves struggle. Failure to solve its problems may lead a society to disintegrate.

AN ORDERLY PROCEDURE OF SELF-TAXATION SUPPORTS GOVERNMENT.

- People pay for the services of government by taxing themselves or paying charges and fees.
- Deciding who should be taxed for what–and how much–are questions to stir political conflict.
- The kinds of taxes tend to reflect equity and convenience as well as political struggles among interest groups to get advantages for themselves.
- Being part of an interest group often determines one's attitude toward questions of tax income and outgo.
- Changes in the tax structure may shift burdens of taxation from some citizens to others.
- As demands for government services increase, need for money to finance these services also increases.
- State and local governments increasingly tend to seek financial help from the national government.

GOVERNMENT, LIKE ALL INSTITUTIONS OF SOCIETY, MUST RESPOND TO CHANGE; AND IN OUR FORM OF DEMOCRACY, THE NATURE AND DIRECTION OF GOVERNMENT RESPONSE TO CHANGE IS CONDITIONED BY THE EXTENT OF POPULAR PARTICIPATION IN POLITICAL PROCESSES.

- Presumably in democracy the power of government rests in the people.

- Politics is people trying to influence government decisions.
- Good citizenship requires active participation in politics.
- Voting is one part of active citizenship.
- Every policy (including doing nothing at all) involves certain risks; rational and objective weighing of alternatives reduces chance for error.
- Members of state legislatures represent conflicting interests, making any legislative decision a compromise among those interests.
- Dominant values in society determine kinds and extent of social control.

STATE AND LOCAL GOVERNMENT UNITS ARE CREATED AND ALTERED TO MEET SPECIFIC NEEDS OF PEOPLE WITHIN THOSE UNITS; CONSTITUTIONAL LAW, TRADITION, AND NEED DETERMINE THEIR FORM AND FUNCTION.

- Government units help people do what they cannot individually do themselves.
- The Oregon Constitution is the basic law of the state; it gives the legislature the power to enact other state laws.
- Judicial review helps make government one of laws and allows social change to take place within constitutional constraints.
- State laws as well as community rules and regulations help people live and work together.
- Sometimes public interest must be considered more important than protection of individual freedom.
- Local forms of government within the state vary from county to county and from community to community.
- Making rules, interpreting rules, and enforcing rules tend to overlap in all government units and result in misunderstandings.

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Government is the one social institution that cuts across the spheres of activity of all other institutions and therefore determines the context within which our private lives are lived. If society is suffering anxiety and tension symptomized in increasing polarization and confusion over national goals, the challenge to put things right is largely on the shoulders of government.

Change is, of course, the major disorienting factor of modern life. "Take an individual out of his own culture," wrote Alvin Toffler,* "and set him down suddenly in an environment sharply different from his own, with a different set of cues to react to—different conceptions of time, space, work, love, religion, sex, and everything else—then cut him off from any hope of retreat to a more familiar social landscape, and the dislocation he suffers is doubly severe. Moreover, if this new culture is itself in constant turmoil, and if—worse yet—its values are incessantly changing, the sense of disorientation will be still further intensified. Given few clues as to what kind of behavior is rational under the radically new circumstances, the victim may well become a hazard to himself and others.

"Now imagine not merely an individual but an entire society, an entire generation . . . suddenly transported into this new world. The result is mass disorientation, future shock on a grand scale.

"This is the prospect that man now faces. Change is avalanching upon our heads and most people are grotesquely unprepared to cope with it."

Part I explores the challenges faced by state and local governments in Oregon.

oregon's diverse heritage**

Oregon clearly has three natural faces: the coast, the Willamette Valley, and eastern Oregon. Mountains divide the state. Climate and socioeconomic structure make each zone a world of its own. In all except Portland and the population slot down the Willamette Valley, Oregonians enjoy isolation, a world apart from the urban-oriented social problems suffocating the nation and threatening Portland.

Similar to the Indian who was driven from it, dwellers of the forest, mountain, or sage are tied spiritually to the land. Perhaps nowhere is the spiritual union with the land felt more than at land's end. Those who live where the sea begins see white magic in the ghostly fog that hides headlands and covers towns. And although ocean-born mist penetrates to the very marrow of old bones, it soaks some mystery into what otherwise would be dreary lives.

Coast dwellers are enduring. They have seaweed in their gizzard and kelp in their craw. Tough, barnacled hands haul in gillnets of fish. Rough weather-worn faces of mariners face the raw wind, and salt air swells arthritic joints. Salmon, razor clams, cranberry bogs bring in the money. So do liquor sales, logging, lumber-milling, short-log hauling, and tourists. The tourist industry is urbanizing the shoreline with a myraid of condominiums and land developments. Some say the industry is scarring the land. Others say tourist dollars are putting some zip into what could be a down-and-out economy. Tourists during the summer pump millions of dollars into coastal coffers, but depart with the fall rains.

People who have homes with splended views from ocean bluffs are well heeled. But many choose to live along the sea though the living is poor. They are content to fish for steelhead, salmon, and sturgeon in the tidewater streams and to tramp the sandspits, backbays, and swamplands that indent the coastline.

Cross over the Coast Range and enter Oregon's second world—the Willamette Valley. It is Oregon's main street. Some 70 percent of the state's population is housed in the region walled by the Coast Range and the Cascade Mountains. It has the money, industry and tempo of the

*_Future Shock_ (New York: Random House, 1970).

**Adapted from an article by Web Ruble, Staff Writer, _The Oregonian_ (January 10, 1971).

rest of the nation. It has the state capital, three major universities, and a dozen historic, privately endowed universities and colleges.

Portland, the state's largest city; Salem, the capital; and Eugene, Oregon's second largest, run from north to south down Oregon's slot. The region continues through the hills, valleys and canyons of southern Oregon. Lumber camp and farm communities dot the landscape. Medford near the south end is Oregon's sixth largest city,* and Ashland just north of the California line has become an international cultural center with its now famous Shakespearean Festival.

Oregon's second face also is wet. Bright lights glisten on the wet pavements of Portland's Broadway and Eugene's mall. In the summer the weather can be hot. And because of high humidity, it can be as miserable at 85 degrees as at 110 in Oregon's high desert.

Slicing up from the docks and down the gorge, cold winds hammer Portland into a shivering whimper during most winters. And the city can get enough snow to drive former Dakotans back to the subzero prairies. But it is unpredictable. Some winters no snow falls at all.

Portland also has some of the same urban, social and racial problems as Chicago, San Francisco, and Detroit. But most of the rest of the state is relatively insulated from them.

While the Willamette Valley has its share of problems, the problems are by no means confined to that area. In fact, many social and economic problems become relatively more severe in other parts of the state. For example, of Oregon's 36 counties:

- the lowest per capita income for 1973 occurred in Josephine and Curry
- the highest unemployment rates for 1974 were in Josephine, Grant and Crook
- the highest death rates (per 1,000 population) in 1974 were in Baker and Clatsop, and the highest infant death rates (per 1,000 live births) were in Crook and Deschutes
- the highest rates of marriage dissolution and annulment in 1974 (per 1,000 population) were in Grant and Coos
- the highest ratio of illegitimate births (per 1,000 live births) was in Jefferson in 1974, followed by Multnomah and Crook

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The Willamette Valley has a rich heritage. It is the cradle of Northwest history. Settled by stern-jawed, wagon-trained-hard men of religious fervor, the valley became a well-churched colony in the 1840s. Because the valley was so lush and green, farmers followed. Towns grew where numbers congregated. Some of them became cities. Others lost prominence, but remained as solid communities.

The Willamette Valley is what visitors call Oregon—though it merely is one face of it. After World War II, the valley became a mecca for persons tired of the population crush in the East and harsh winters in the Midwest. From California came more. And from the South came still others. Oregon, as a result, has emerged a melting pot of other regional expatriates and exists today as a cross section of America. But life remains suburban in the valley. Its residents still enjoy the outdoor life. They are not far from the sea and close to the rugged, wilderness-footed Cascade Mountains.

Cross the Cascades and enter Oregon's third world. This harsh canyon-carved, saged, rim-rocked, pine-treed, alkaline high country covers two-thirds of the state. It is higher and drier than the other Oregons, and has four seasons. The atmosphere is clear in summer, crisp in winter, and life is invigorating. In some areas you can chip early-morning ice off your auto windshield on the 4th of July, and eight hours later swelter in 80-degree heat. Many summer days see 100 degrees.

Except for the wheat fields that roll to endless horizons through Pendleton and beyond, economy in Oregon's third world is not booming. Eastern Oregonians are similar to coast dwellers: many of them live richly, though they are not rich. Like the comber who gets a lift from watching the breaking surf, the eastern Oregonian finds spiritual meaning in the loneliness, isolation and even desolation of the rugged country.

Cold are the winters and the starry summer nights. Growing seasons are short. And in much of the high country the soil is poor for farming. You can expect snow flurries in October. And sometimes the white crust doesn't crack and melt until late April.

Summers are hot, dusty. People are separated by distance. Harshness is reflected in the rawhide-tough faces of the rural people. Some have abandoned the high country because they could not scratch a living. Young folk often leave because opportunity is limited. Others have found a way to stay in the country where change comes slowly and urban problems are still a planet away and very unreal.

Eastern Oregon was settled a little later than the Willamette Valley, and by fevered, brawling men seeking fortunes. From the plains and California they came: scarred, horse-backed, pack-trained, and bare-knuckled. Gold, silver and blackjack brought them to The Dalles, Canyon City, Baker City and Sumpter. Some hit it rich. Others busted.

While the miner was roaring down the shanty runs of Sumpter and John Day valleys and Baker County, rampaging cattlemen thundered across the endless sage of southeastern Oregon. From the night riders and range wars emerged land barons and a sizable cattle industry. From the miner's pan came but a colorful nugget in Oregon history and a dozen legends.

Such is Oregon.

*Only Medford among Oregon's ten largest cities as of July 1975 is outside the Willamette Valley: Portland (375,000); Eugene (94,600); Salem (76,300); Corvallis (39,200); Springfield (34,900); Medford (34,000); Beaverton (22,150); Albany (22,025); Gresham (21,000); Lake Oswego (19,400).

more people are coming

Oregon was among those states that had big population increases from 1960 to 1970. Immigration accounted for approximately half of this growth. While the rate may slow, more people are expected.

Over 6,600,000 people live in the Pacific Northwest at the present time, and nearly 35 percent of them reside in Oregon.* The Center for Population Research and Census predicts Oregon will have a population of nearly 2.7 million by 1985.

During the present decade (1975-1985) state and local government in Oregon must provide facilities and services for an additional 380,000 persons.

During the last decade, four cities had population increases exceeding 100 percent: Beaverton and Gresham in the Portland area; Monmouth, located near Salem; and Woodburn, situated between Portland and Salem. Twenty-six towns and cities of 1,000 inhabitants or more experienced a population growth in excess of 50 percent. All but six of those cities lie within the Willamette Valley and all 26 are located in the western third of the state.

Twenty-two towns and cities in Oregon lost population. Ten of those towns were located on the Oregon coast from Astoria down to Brookings. The rest were scattered throughout the state.

Over two-thirds of all Oregonians are urban dwellers; and by 1985, the Puget Sound-Willamette Valley trough may be a virtually unbroken chain of urbanized centers—in some cases, barely separate or distinguishable from one another. Presently it contains at least four SMSA's** (Seattle, Portland, Salem and Eugene), even though it occupies only ten percent of the land space of the region.

Multnomah, Clackamas, Washington, and Clark (Washington) counties, comprising the Portland SMSA, may have some 1,300,000 people by 1985. These counties probably will have the greatest rate of population growth, followed by Lane, Jackson, and Marion counties. A high density of population per square mile may tend to limit population growth in Multnomah County, but this may be offset in part by a trend toward highrise apartments, bringing people back into the city. In addition, increasing transportation problems, reconsideration of land use, and economic conditions may slow the flight to suburbia.

Although by 1980 at least 70 percent of our population will be considered urban, when the so-called urban fringe areas are taken into account, approximately 85 percent of the state's population will be concentrated in urban and suburban areas.

planning land use

Demographers estimate that, at current population growth rates, the world population will double in about 35 years. The population of the United States will double in approximately 65 years, while Oregon will double its population in a little over 25 years. Land use planning in urban areas is one of the most crucial problems facing state and local government.

Vast acreages of our remaining farm or grazing land are being paved over for highways, motels, gas stations, parking lots, factories, shopping centers, trailer courts and urban subdivisions. Land, especially around urban areas, is becoming costly and soon may become dear. Farmers may be under heavy pressure to sell out because land prices may be too tempting and farming too profitless under suburban conditions.

Numerous examples of last ditch efforts by city and county officials to use comprehensive land use planning to guide urban sprawl can be found around the major metropolitan areas in Oregon. But based on past performance, it seems that people may not yet be willing enough to protect their own environment or sensibly ration precious natural resources.

In 1973 the 57th Oregon Legislative Assembly adopted the Land Use Act. This represented the latest in a series of state actions to promote comprehensive land use planning to assure the highest level of livability for its citizens. The Act provided for coordination of local comprehensive plans through state standards and review, and mandated active citizen involvement in the ongoing land use planning process at all government levels.

Until the 1973 Act, efforts in Oregon had been guided by statutes enacted in 1969 setting forth broad goals and objectives for comprehensive physical planning. Although the goals in the 1969 act were not mandatory, they were required interim goals in the 1973 legislation.

*Provisional figures (rounded) for 1975 include Washington 3,494,000 (53%); Oregon 2,299,000 (35%); Idaho 820,000 (12%).

**SMSA–Standard Metropolitan Statistical Area–a center city of more than 50,000 and adjacent counties which are socially and economically integrated with that central city.

To guide local comprehensive planning, the 1973 Act directed the Land Conservation and Development Commission (LCDC) to adopt statewide planning goals and guidelines by January 1975. These planning goals replaced the interim goals and are now regulations. The goals and guidelines are to be used by state agencies, counties, cities and special districts in preparing, adopting, revising and implementing comprehensive plans.

Using the ten broad goals and objectives from the 1969 law as foundation, the LCDC expanded each and added forest lands, energy, citizen involvement, land use planning, and housing as a result of public workshops and hearings. The goals include definitions as well as guidelines providing alternative ways to accomplish the planning goals.

Comprehensive plans, and any ordinances or regulations implementing the plans, were to have complied with the statewide goals by January 1976. The Commission could grant extensions in those situations where satisfactory progress was demonstrated; but the goals of the LCDC had the force of law to help assure the continued livability of Oregon for its present and future citizens.

Substantive changes in the statewide planning goals and guidelines will be kept to a minimum so that government units will have an opportunity to incorporate the goals into their comprehensive plans. The refinement of goals and guidelines will be ongoing to assure that they reflect Oregon's current needs and provide for regional differences. The various needs of these regions may be incorporated into more specific regionalized goals and guidelines in the future. Presently 14 LCDC goals include:

Citizen Involvement–assuring opportunity for citizens to be involved in all phases of the planning process.

Land Use Planning–recognizing social, economic, energy and environmental needs in a policy framework for decisions and actions on the question: How can we best use our land?

Agricultural Lands–inventorying and preserving farm lands in ways compatible with changing needs for urban lands.

Forest Lands–conserving forest lands for forest uses, unless proposed changes conform to the LCDC comprehensive land use planning decision format.

Open Spaces, Scenic and Historic Areas, and Natural Resources–promoting and protecting healthy and attractive natural landscapes.

Air, Water and Land Resources Quality–reducing pollution in airsheds and watersheds commensurate with a balance between economic and environmental factors.

Areas Subject to Natural Disasters and Hazards–protecting life and property from natural disasters and hazards. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazard.

Recreational Needs–satisfying recreational demands from Oregon citizens and visitors.

Economy of the State–diversifying and improving economic growth.

Housing–encouraging adequate numbers of housing units at prices and rents commensurate with financial capabilities of Oregon households and allowing for flexibility of housing location, type and density.

Public Facilities and Services–developing a timely, orderly and efficient arrangement of public facilities and services for urban and rural development.

Transportation–providing and encouraging safe, convenient and economic systems to move people and goods.

Energy Conservation–conserving energy upon sound economic principles.

Urbanization–providing orderly and efficient transition from rural to urban land use.

CITY AND COUNTY PLANNING

The following outline of a comprehensive planning program developed for city and county officials by the Bureau of Governmental Research and Service of the University of Oregon may be helpful to integrate a study of geography, mathematics, English, science and social studies.

A long-range planning program for a city or county normally consists of three basic elements: background planning studies and inventories, a comprehensive plan, and implementation of the plan. Background planning studies and inventories are intended to provide the city with a realistic picture of the present pattern of development and an evaluation of the community's growth potential. The comprehensive plan is a guide for the future growth and use of land within the city or county. Plan implementation includes the enactment of regulatory measures pertaining to undesirable land use and the development of policy related to the provision of public improvements and incentives for desirable land use.

I. Background Planning Studies

A. Base maps of the city and its immediate surrounding area should be prepared. A base map should be reproducible so that it can be used as background for displaying other information. It should show highway, street, and block systems, section lines, subdivision and property lines, streams and lakes, urban and rural development.

B. Evaluation of community or county growth potential (economic, population) to determine future needs for different types of land use, streets, roads, public facilities such as schools, parks, utilities.

C. Assembly and analysis of land use data–location and pattern of existing land use should be recorded on a map and analyzed. Classifications include residential, commercial, industrial, public, semi-public, right-of-way (street and rail) and vacant.

D. Information pertaining to community facilities–location, size, condition, and function of public and institutional facilities, including schools, parks, libraries, fire halls, government offices, public utilities.

E. Information pertaining to transportation facilities–right-of-way widths, roadway width and surfacing, location of curbs and sidewalks, traffic volumes, accident patterns. Similar information concerning air and rail facilities might also be considered.

F. Information by inventory pertaining to physical characteristics–water resources, soils, drainage characteristics, flood plains, vegetation, topography and land forms, climate, mineral resources, recreation resources, irrigable lands.

II. Comprehensive Plan

A. The comprehensive plan consists of three basic elements listed below and they must be closely interrelated if the plan is to serve as an effective guide for growth. The plan normally consists of maps showing basic planning proposals and a text to explain these proposals and to set forth policy relating to future development.

B. The comprehensive plan may be developed in stages–preparing the land use plan, preparing ordinances implementing the land use plan, and later preparing the other elements of the comprehensive plan. City and county plans should be coordinated.

1. The land use plan should indicate areas suitable for residential, commercial, and industrial development and include basic policy statements relating to the future development of the land. Consider existing use patterns, natural land features, accessibility to transportation networks, direction of probable future growth of population and basic economic activities, platting and land ownership patterns, availability of utilities, and amenity factors such as view and waterfront.

2. The community facilities plan should guide development by indicating proposed locations and general standards for development.

3. The street plan should serve as a guide for location and standards, including designation of arterials and suggested street patterns for selected areas, standards for county road networks, and locations for future major roads and highways.

III. Implementation

A. Zoning is the most important legal tool available to implement the land use plan. It is the division of an area into residential, commercial, industrial, agricultural, and other zones, and the regulation within each zone of the use of buildings and land, height of buildings, setbacks from streets and other property lines, and density of population. It is intended to promote public health, safety, convenience, and welfare by preventing mixtures of land use which result in blight, congestion, and reduction of property values.

B. Subdivision regulations provide cities and counties with guidelines for the approval of plats. They specify procedures for plat approval; contain design standards for streets, lots, and blocks; and list improvements such as streets and utilities to be provided by the subdivider.

C. Building codes establish minimum standards of safe design, construction, alteration, and repair.

D. Capital improvement programs are financial plans for acquisition and development of public capital improvements.

E. Other implementation measures: housing codes, lot grading ordinances, trailer park ordinances, official maps.

protecting environment

The whole problem of air and water quality could assume crisis conditions. Population growth, industrial processes, continued reliance upon oil- and gas-burning transportation and heating devices, and the spread of urbanization seem to be fouling air and water faster than the state has been able to devise remedies.

Oregon has begun to develop means for calling a halt to flagrant abuses, but most cease-and-desist efforts are burdened or compromised by the lack of ready alternatives, by the lack of willingness or capacity of the offenders to operate otherwise, and by threats of industrial relocation and lost jobs.

The fouling of the air of the Willamette Valley and the lower Columbia River area may be growing more severe each year, and fundamental relief seems questionable. Aside from the obvious esthetic blight this creates for our state, the long-term health, wildlife, and crop implications are not really known and continue to be hotly argued by the experts.

Increase in human mass and spreading effects of our ever-changing technology may give greater momentum to ravaging our scenic conditions. The eye has been already saddened by accumulations of garbage, broken glass, old cars and tires, and other debris along our rural roadsides and city streets, and in our parks.

The biological effects of human crowding, with its noise and dissonance, air and water pollution, and many new synthetic products that pervade our biosphere are as yet unknown. People are concerned with present visible effects on our environment, but these may be trivial when compared with long-term effects on human beings after several generations have been exposed to these biological insults. Such effects may be more dramatic in the United States than in less industrially developed countries.

Only quite recently has the state been forced to assume as major functions of government the maintenance and improvement of its physical environment. Only within recent years have various forms of depletion and pollution reached such unacceptable levels that state and local governments have had to create control legislation and agencies to deal with "environmental quality."

CONFLICTS BETWEEN INDUSTRY AND ENVIRONMENT

Citizen demand for increasing amounts and varieties of consumables and increasing demands for electric power have induced industry to expand. Constant conflicts have come between environmentalists, industrialists and area residents over the need for expansion, sites of industrial location, hydro-electric dams, oil-fired electric generation plants and nuclear power plants. At the same time, need for an expanding economy and demand for jobs place increasing pressures on the environment and on government.

People look to government to solve these nearly insoluble conflicts, and the people and agencies of Oregon have risen to the challenge. Oregon has taken the lead in the nation in many instances. It enacted a "bottle bill" and a legislative ban on certain aerosol sprays, and it has attempted to pull together its many fragmented agencies. Such efforts, though small steps, try to cope with rapid urban and industrial growth and some degree of citizen indifference about environmental problems.

Oregonians' concern for the maintenance and improvement of their quality of life, expressed in legislation first in 1889 with passage of the state's initial water pollution law, has evolved over the years toward the ecological perspective of the late naturalist John Muir, that anything picked out by itself is found hitched to everything else in the universe.

In 1938, Oregon voters used the initiative petition to advise members of the legislature they were not moving quickly enough to abate pollution of the state's waterways, notably the Willamette River, which by that early date had become virtually an open sewer. By a 3 to 1 majority, voters approved the initiative measure creating the State Sanitary Authority, and Oregon became one of the first states in the nation to have a comprehensive water pollution control statute with statewide enforcement powers.

Recognizing water pollution problems was the first step in a 45-year program of restoring the water quality of the Willamette River and its tributaries, a drainage system wholly within Oregon in a valley in which nearly 70 percent of the state's population lives. The success of that program has been acclaimed throughout the nation and beyond, but it should be seen primarily as an indicator of a broader commitment to environmental quality.

When Congress passed the federal Clean Air Act, which became effective in December 1970, it was two decades behind Oregon, for in 1951 Oregon created the State Air Pollution Authority and adopted the first statewide comprehensive air pollution control law in the nation.

Duties and powers of the State Air Pollution Authority were transferred in 1959 to the State Sanitary Authority, a recognition of the interrelationships between air and water quality problems and their solutions. Sewage treatment facilities and air and water pollution control systems for industrial and commercial waste discharge sources were required by law, and encouraged by the availability of construction grants, low-interest loans and tax incentives.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

With solid waste disposal a responsibility of the State Board of Health in 1967, fragmentation of pollution control authority remained, and in 1969 the Oregon Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) were established—the latter a five-member citizen policymaking board appointed by the Governor. To this new agency were given broad responsibilities to control and regulate air, water and solid waste problems (solid waste management was shared until the early 1970's with the State Board of Health); added later were noise and hazardous wastes control programs (1971) and subsurface sewage (1973).

Following passage of the National Environmental Policy Act in 1969, the Environmental Protection Agency (EPA) delegated certain responsibilities for air and water pollution control to the states, including establishment of priorities for federal pollution control grants to local governments, strategies for regulation and eventual abatement of pollution problems particular to a state (e.g., in Oregon, field burning by the grass seed industry, or slash burning for logging operations), and operation of a permit system to abate industrial air and water pollution to achieve federal (or stricter state) standards.

The system DEQ developed for bringing industrial sources in Oregon into compliance with air and water quality standards has emphasized cooperation between the agency and respective industries. Each permit is developed on the basis of a compliance schedule which will achieve abatement within a specified time and without undue disruption of production and employment. In many instances, DEQ's technical assistance to industries has been responsible not only for control of the pollution source, but has identified processes by which former pollutants were recovered as marketable commodities.

Pollution control measures, indeed, have encouraged a consideration of alternatives to disposal of "wastes" by burning, discharging them into the waterways, or burying them in the soil. Whereas not many years ago it was standard practice in the wood products industry to "slab" a sawlog and burn the slabs in a wigwam burner, today virtually all harvested timber becomes useful products. Douglas fir bark, removed by hydraulic debarkers, is used for garden mulch or is the raw material for "corkboard" and several chemicals and resins and fuel. Improved veneer peelers are capable of peeling a log down to a two-inch core; the core is either sawed into small-dimension lumber or chipped to provide fiber for pulp and paper mills or the raw stuff for chipboard. Probably the most significant single action came as a result of DEQ's effluent standards for pulp and paper mills. The industry developed a new sulfite process in which spent liquors from the pulp "cookers"—which formerly were dumped into the waterways—are used as fuel to run the plant.

Manufacturing processes which use strong chemicals have been modified so that brines can be clarified, supplemented and recirculated. Chemicals from air contaminant discharges and from liquid wastes are recovered and turned into fertilizers or other industrial components. Refuse from shrimp and fish processing plants is applied to the land as fertilizer.

Significant progress has been made in Oregon toward cleanup of water pollution and control of air contaminants by bringing industrial and public sources under the DEQ's permit program. The Willamette River is cleaner today than at any time since the early days of settlement. All municipalities in the state are on compliance schedules which lead at least to secondary sewage treatment; in the more sensitive river drainages, tertiary treatment–which results in a "drinkable" effluent–may be required. All major industries have accepted timetables for abatement of both water and air pollution.

Yet the Portland metropolitan area has geographical and meteorological characteristics which make its potential for dangerous air pollution greater than that in Los Angeles. Typically low stream flows in late summer and early fall, particularly in coastal river systems and in the Willamette basin, create crucial problems for effective flushing away of industrial, agricultural and human wastes. Projections from present populations and per capita use of water indicate water shortages in some parts of Oregon before the end of the century.

And although some of the interrelationships among the various kinds of environmental degradation have been recognized by assigning specific monitoring functions and enforcement authorities to the Department of Environmental Quality, maintenance and enhancement of a desirable quality of life is a larger task than any one state agency can manage.

The DEQ has responsibility for water and air quality, for solid waste management, noise pollution control and subsurface sewage systems, yet each of these affects or is influenced by the activities and programs of other state and federal agencies.

Land use planning for the state is the responsibility of the Land Conservation and Development Commission (LCDC), but residential development in certain areas can be stopped by DEQ if there is no sewage system and if the land will not absorb the effluents from septic tanks. Or the State Health Division can say "no" to development if it has identified health hazards in domestic water supplies.

Location of industries or proposals for construction of dams or marine facilities may be vetoed by the Fish and Wildlife Commission if fish or animal habitat is threatened. The Division of State Lands and the Department of Geology and Mineral Industries have authority over certain environmental decisions, as do the Oregon Department of Transportation (including the Scenic Waterways System and the Willamette Greenway), the Oregon Department of Agriculture, the Water Resources Board, the Department of Forestry and the Marine Board.

If the decisions of these state agencies do not accord with federal standards in certain instances, the federal Environmental Protection Agency, the Bureau of Outdoor Recreation, the Department of Housing and Urban Development or the U.S. Department of Transportation may take a hand. With more than half of Oregon's land area administered by federal agencies–Bureau of Land Management, National Park Service, Bureau of Indian Affairs (Department of Interior) or the Forest Service (Department of Agriculture)–the state and its citizens must be cognizant of potential conflicts regarding uses of those lands.

State administrations have recognized the necessity for careful coordination and cooperation among state and federal agencies which hold related–and sometimes overlapping–responsibilities for environmental concerns. To achieve consistency and efficiency, governors have had staff members whose job is to facilitate communication among natural resources agencies. In some instances, the job has been to identify primary responsibility; in others, a "task force" approach has been thought necessary.

In 1974, Oregon and the rest of the nation had a taste of an energy shortage. That year and the next brought economic and political crises. Inflation and unemployment became such hard realities that "protection of the environment" seemed to many to be a luxury which could be postponed. The 1975 Oregon legislature saw conflicts between the necessity for a resurgent economy and demands for environmental quality. To the task of coordinating disparate efforts to fight pollution was added the price tag for the campaign. And for many, the price seemed too high.

Nevertheless, even the economic recession brought a benefit. A suspicion emerged–perhaps especially in Oregon where environmental responsibility was a fact–that America's bullish society of consumption could not be maintained forever. Some individuals began to recognize they might no longer afford two homes, three automobiles and a pickup, a trail bike, a dune buggy, a motor boat and a snowmobile.

Far more elemental, however, was the stirring of a collective consciousness that survival of the human species depends upon basic stewardship of resources. Natural resources, including air, water and raw materials, are finite. Some conventional sources of energy may be depleted within the lifetime of today's children. Techniques and technologies must be reoriented toward less profligate demands on limited supplies.

Such a reorientation, indeed, is the basis for an authentic environmental quality program. "Waste disposal" no longer is the problem. The problem is elimination of waste, by utilization in such a manner that "used" materials are reused, and then used again and again.

conserving natural resources

WATER AND POWER

A power source which geologists say could make an important contribution to Northwest power is geothermal steamdriven generators. Extensive exploration has been under way in southern and southeastern Oregon since the middle of 1970. The Oregon Department of Geology and Mineral Industries has said repeatedly, however, that the highest potential for geothermal steam is on federal lands—which are now open to exploration under the steam lease act. Scientists estimate conservatively that western states have enough geothermal potential to produce several million kilowatts of power. Whether the utilities can find a common ground with the environmentalists will be one critical question to face.

Proposals to build two new dams on the Snake River caused considerable controversy, and utility companies have also been under fire because of power lines, electric utility advertising, and nuclear power plant proposals.

Nuclear power is not on the horizon; it is here. A dual purpose reactor at Hanford produces both plutonium and electric power by using by-product steam. Others are being built specifically for the production of power. But large quantities of water are used for cooling purposes in nuclear plants, water which, if not handled properly, raises the temperatures of streams and interferes with fish life.

Department of Energy. An Oregon Department of Energy (established in 1975) will in part engage in energy-related research, data collection and education of the public in regard to energy conservation. An Energy Facility Siting Council made up of seven public members appointed by the Governor will oversee the siting of all energy facilities, including nuclear and fossil-fueled power plants. Each applicant for a site certificate for a nuclear installation or any large thermal power plant must file a notice of intent and pay a $5,000 fee for each site. The Council will then cause public notice to be given. An application can then be filed no sooner than 12 months after the notice of intent. This allows time for the public to participate in the planning process.

The Siting Council and the director of the Department of Energy must also review and approve all safety programs, plant installations and the transportation of radioactive material for energy facilities in Oregon. The Council must provide adequate and reasonable public notice of any meeting of the Council for such review and approval.

Even the supply of water is under heavy pressure, and the situation will grow steadily more critical and complicated as more and more watersheds are disturbed and changed, as industrial and human uses expand, as pollution sources increase, as demands grow from the further development of middle and eastern Oregon and as other states lay claim to Pacific Northwest water. Moreover, unless major and economically feasible developments in water desalination and reuse techniques are put into operation as early as 1980, the Portland area and others may experience prolonged water rationing periods as a regular summer feature.

Government's Role in Water Control and Conservation. Many kinds of intergovernmental programs influence water resources, both for supply and for control of quality. The federal government plays a major role in the development of water supply sources and in the protection of water quality through a variety of programs directly affecting individuals and state and local government. Many different federal agencies involve themselves in these programs: e.g., Corps of Engineers; Bureau of Reclamation; Soil Conservation Service; Environmental Protection Agency; U.S. Public Health Service; Department of Housing and Urban Development; Farmers Home Administration; Economic Development Administration.

The last four agencies administer federal grant-in-aid programs for local water and sewer facilities. The Environmental Protection Agency (EPA) provides demonstration grants to stimulate development of advanced waste treatment systems and deal with storm and sewer overflow problems. Many municipal water supply sources are located on federally owned lands, and the federal agencies involved frequently provide timber management services for these watersheds. Housing and veterans loan programs incorporate local standards of sanitation in their requirements.

At the state level the Department of Water Resources is responsible for the formulation of a state water resources policy and the securing of maximum beneficial use of the state's water resources. It settles water-use conflicts, helps coordinate local, state and federal plans and projects, and works with cities on the federal flood insurance program by identifying flood plain areas.

The 49 local soil and water conservation districts in Oregon are legal subdivisions of the state without power to tax, levy bonds, or make assessments. These local districts have statutory authority to bring about legislative policy regarding soil and water resources and to cooperate with landowners, land occupiers, government units and agencies in projects, programs and activities to accelerate such policies.

The State Health Division is responsible for inspecting and testing municipal water supplies and also provides general supervision and technical assistance for local sanitation services, including sewage disposal. It also assists in conducting training courses for local government personnel in water and sewage works operation and approves plans for construction or extension of local water supply and sewer systems.

The Environmental Quality Commission is a key agency in problems of water and air quality control.

Local governments are responsible for the actual construction and operation of sewer and water facilities, although in a few localities in Oregon water service is provided by a privately owned utility.

Counties play a role in both water and sewer programs through the regulation and inspection services of their health departments. In addition to periodic testing by the State Health Division, local sanitarians assist the state in testing community water supply systems and are active in enforcing state regulations. All of this involvement, of course, brings need for coordination of government.

GEOLOGY AND MINERAL RESOURCES

Raw mineral production in Oregon nears 100 million dollars a year, and the total value of metallurgical products probably exceeds $700 million, though no published figures accurately reflect the total amount. Mineral resources on state lands are managed by the Division of State Lands. The Department of Geology and Mineral Industries regulates drilling of oil, gas and geothermal wells and reclamation of open pits.

"Growth minerals" such as sand and gravel are unique among the state's natural resources and are available in huge quantities, but once used they are irreplaceable. They can be rendered useless by lack of planning. Of all the state's natural resources, "growth minerals" possess the unusual ability to provide, after a deposit has been exhausted, the basis for an entirely new use. For example, former hillsides may become industrial areas after they have been leveled by quarrying, or a quarry on level ground may become a pit suitable for sanitary fill, a ready-made building excavation, or a lake in a public-use site. A classic example of this multiple return from a mining operation can be seen just west of Bend. Former pumice pits are being used to bury lumber-mill wastes, and the numerous heaps of overburden have been smoothed and prepared for home construction and landscaped areas.

Concern over energy supply has led to increased efforts to locate and develop coal, oil, natural gas and uranium. Oregon appears to have an excellent potential for geothermal power and thousands of acres of public domain have been leased for exploration. Exploration has generally been restricted to known areas, for economic and technologic problems have slowed development on private tracts. Deep drilling will be required to locate areas large enough and hot enough to provide energy for electrical generation and provide heated water for domestic, commercial, and agricultural uses. Heat-flow studies by the Geologic Division of the United States Geological Survey and the state Department of Geology and Mineral Industries are continuing. Private industry interests have undertaken exploration ventures in several areas of the state and show promise.

FISH AND WILDLIFE

Oregon's fish and wildlife are among the state's most valuable natural resources. A wide range of climate and elevation within the state produces a variety of wildlife and wildlife habitats enjoyed by few other areas of similar size in this country. Many of the popular fish and wildlife species are not native but have been brought in to occupy available habitats. Among these are the ring-necked pheasant, chukar partridge, wild turkey, mountain goat, Atlantic salmon, striped bass, and brook trout.

Management of these important resources is the responsibility of the Oregon Department of Fish and Wildlife. License fees paid by fishermen and hunters are the primary source of the Department's $35 million annual budget. Funds derived from a tax on sporting arms and ammunition and sport fishing gear also provide several million dollars annually. A limited appropriation of general tax revenues makes up most of the remainder of the budget.

To help accomplish its management responsibilities, the Department operates 23 wildlife areas totaling nearly 100,000 acres, plus over 30 fish hatcheries producing about 80 million fish annually. In addition to regulating sport hunting, the Department establishes rules governing commercial and sport use of fish, shellfish, and intertidal animals.

Wildlife and aquatic biologists conduct most of the field studies on which management programs are based. Inventory or census of the resource is a primary task of field personnel. Evaluation of terrestrial and aquatic habitats and improvement programs is another vital step in proper management. Stocking fish, responding to animal damage complaints, trapping, marking and transplanting are but a few of the other activities of Department biologists.

The Department is divided into fishery and wildlife divisions as well as sections which are responsible for research, environmental management, information and education, lands, engineering and financial matters. Enforcement of fish and wildlife laws is the duty of the game division of the Oregon State Police. Funds from the Department pay for activities of over 100 game law enforcement officers.

Among the challenges fish and wildlife managers must meet are offshore foreign fishing, Indian treaty fishing and hunting, increasing demand for hunting and fishing recreation, and a declining quality and quantity of suitable habitats. Among these, habitat destruction is by far the most serious. Pollution, estuary degradation, stream modifications, and sometimes logging operations can be major problems in maintaining water quality. Increasing human populations and the associated urban sprawl, freeways, shopping centers, and recreation subdivisions claim thousands of acres of wildlife-producing lands each year. To feed the growing population, new clean farming methods are employed along with a host of chemical sprays to control undesirable insects and plants. Wildlife may be the unintended victims of these activities.

Today Oregonians have more free time and better means of travel than ever before. Increasing numbers wish to spend this time outdoors in fish and wildlife-oriented recreation. This interest coupled with rapidly disappearing habitats creates the major challenge fish and wildlife managers must meet, not only in Oregon but nationwide.

FORESTRY AND FOREST RESOURCES

Forest products, including lumber, plywood, paper and allied products continue to be Oregon's leading industry. The federal government owns 56 percent of the commercial forest, while state and local governments own five percent and private interests own 38 percent (20 percent industry; 18 percent small ownerships). Forested lands consist of over 25 million acres, and another four million are better suited for wildlife production and for recreational purposes. Oregon's forests contain more than one-fifth of the nation's current sawtimber; and Oregon supplies a quarter of the softwood lumber, over half of the plywood and more than a quarter of the hardboard produced in the United States. Forest-based plants produce goods worth nearly $3,000,000,000 each year.

Most of the timber in Oregon is still in old-growth trees over 250 years in age. They supply three-quarters of the annual harvest, making Oregon the leading lumber producer since 1938. It will continue to be first as second-growth timber gradually replaces the old-growth.

Oregon forest lands are among the most potentially productive in the world. But much of this land cannot now realize its potential since it is occupied by overripe trees naturally dying. Volume cut is therefore greater than trees can be grown at the present time. And yet only a regulated portion of the land can be cut over each year if a perpetual level of wood supply is to be maintained. As a result, efforts are being made to maximize growth in the young timber stands by thinning out trees that would normally die as the stand grows older.

An Oregon State University timber supply projection recently commissioned by the Department of Forestry suggests that, unless present harvest policies are changed, timber harvest levels in Oregon may be reduced by 22 percent in western Oregon between now and the year 2000. This could have a substantial impact on Oregon's economy. The shortage may not result from lack of harvestable timber, rather, from policies that prevent harvesting timber to meet the projected shortfall. Increasing harvests on old-growth national forest lands, as an alternative, could bridge the projected supply gap without creating future shortage.

After the year 2000, Oregon's forests have the ability to produce well above present levels with the use of intensive management techniques.

Wildlife and water, along with trees, are all products of the forest land. Most of the water in Oregon flows through 30 million acres of forested mountains to reach the people. In route, this water provides life-support for all other living resources. Removal of trees temporarily changes water, soil, plant and animal relationships. About three percent of Oregon's forest land is harvested each year (950,000 acres). One-half of one percent is clearcut, and the remainder is partial-cut or relog acres. The degree to which logging is beneficial or damaging to the various resources depends upon the amount of care used in the particular circumstance.

Protection of the water and fish resources has become progressively better over the years with more intense management of the timberland. Recent legislation has also prompted further improvement in tree harvesting efforts through the Forest Practices Act. The first of its kind in the nation, it emerged out of the long-standing Forest Conservation Act and the desire for more complete protection of the total environment. This latest Act involves specifications for road construction and maintenance, harvesting practices, use of chemicals, slash disposal, and successful reforestation. The State Department of Forestry in administering the law emphasizes prevention of damage to the soil and water environment, seeking to bring marginal operations into more responsible attitudes toward the future of the resources.

Animal populations on Oregon forest land are ideally managed through efforts to manipulate their environment, especially through clearcutting Douglas fir and selectively cutting ponderosa pine. Most animals and birds thrive in these logged-over areas. Greater numbers of deer and elk have resulted, for example.

Forest road construction can be the most disturbing activity in the tree harvesting process. On steep ground it is especially critical. The road must be cut into the slope to provide a stable roadbed, thereby exposing extensive areas of soil which for a time are subject to erosion. During this time the unstable soil is incapable of supporting tree growth. The effects are even greater if irresponsible road location has exposed the water environment to its movement. Soil is also subject to being mixed with water as bridges and culverts are installed at stream crossings. The Forest Practices Act brings state foresters and operators together in the planning stages to help minimize effects of forest road construction on the environment.

Much controversy stands between forest land managers and those in opposition to the manner in which they are husbanding the resources. One group would see more primitive and wilderness areas and less tree cutting. The other would intensify the harvest and limit expansion of roadless area. To one the harvest at best is an aesthetically unpleasant scene, especially if it is clearcutting. To the other harvest is the only solution to conversion of the old-growth forest of Oregon and the key to meeting the nation's demand for materials for home construction, paper products, etc.

The State Department of Forestry is the regulatory agency for protection of forest lands and conservation of forest

resources. Their activities include protecting over one-half the forest lands in Oregon from fire, detecting and controling harmful forest insects and tree diseases, rehabilitating and managing some 785,000 acres of state-owned forest lands, and operating a forest nursery of 30 million trees.

planning economic development

NEED FOR A BROADER BASE

Oregon has had a largely resource-oriented economy, but the demands of a growing population have created the need to broaden the base of industrial development away from its heavy reliance on lumber, wood processing and agriculture.

Forest products, including lumber and plywood, and paper and allied products, continues to be Oregon's leading industry. The harvesting and processing of timber into a wide variety of products accounts for 40 percent of the state's manufacturing establishments, about half of its manufacturing employment, and approximately half of the value added by all of the state's manufacturing industry.

The metals-related group of industries, including primary metals, fabricated metals, machinery, and transportation equipment, have been the state's pacesetters in growth of manufacturing. During the 1960's employment in the metals industry almost doubled to more than one-fourth of the state's total manufacturing employment.

Agriculture is a major industry, and agriculture is the base for an expanding food processing industry where upwards of 20,000 persons are employed in canning, freezing and other operations.

Tourism, another important contributor to Oregon's economy, has an impact on a number of industries and activities, including retail and wholesale trade, services, and transportation.

Manufacture of travel trailers and mobile homes has blossomed into an important new industry for the state.

Government's Role in Economic Development. Activities of the federal government have a powerful impact on the economy of Oregon. Money for mortgages to help the housing industry, easier credit to encourage consumer buying, and new funds for capital goods for industry, for example, all look to Washington for a supporting hand.

Federal fiscal and monetary policies also have a powerful impact on employment trends in Oregon. Proposed permanent reforms (rather than categorical ones) have included general revenue sharing, welfare reform (getting people off welfare through public service jobs), and manpower revenue sharing (getting people trained). These, among others, have offered ways to meet considerable concern expressed about the uncertainty of Oregon's tax revenues in part because of the state's dependence upon the volatile forest products industry. Meanwhile, steadily rising costs of government programs seem only to accelerate. The state thus faces rigidity on the expenditure side against a fluidity on the revenue side.

Changes in the tax structure cannot be expected to meet this problem. Consequently, a vigorous but selective expansion of the state's economic *base* is needed in order to provide sound and sustained growth in Oregon's economy and thereby develop an adequate tax base to finance essential but growing public services.

Through growth of diversified manufacturing Oregon hopes to provide the new employment opportunities needed annually to take care of the natural increase in population. Further economic development hopes to emphasize a better balance, especially smokeless activities rather than extractive resource-exploiting activities. But such selectivity will not be automatic. It will require careful policy development and then full coordination of private and public interests. If the state fails to take the initiative in developing policies in this area, proposals for industrial expansion will be forced on isolated public bodies and long-term interests of the state will stand a greater chance of being compromised or sacrificed.

Other ways to broaden Oregon's economic base have included strengthening Oregon's foreign trade position by establishing an international trade unit; establishing a state unit to encourage sales of Oregon products and services to the federal government; establishing a state housing authority to assist in financing low- and moderate-income housing.

OREGON'S SEA GRANT PROGRAM

Oregon's sea grant program remains one of the nation's largest and most active such programs. The Sea Grant College Program, based at Oregon State University, carries out activities in research, education and advisory services in cooperation with the University of Oregon School of Law, Clatsop Community College in Astoria, several state agencies, several federal agencies and a number of marine industries.

OSU was one of the first three sea grant centers. Later it was one of the first four universities in the nation to be named a Sea Grant College, a designation made for "exceptionally high standards of effort, performance and innovation."

Federal grants make up two-thirds of the total support for the program, a fiscal budget for 1974-75 of $2.4 million. Matching funds—from a state appropriation, other state and local government support and industry contributions—make up the other third.

The sea grant program combines the efforts of some 25 academic schools and departments to focus on two broad marine areas: food from the sea and coastal zone environments.

Activities in the food-from-the-sea division concern aquaculture (or farming the sea), ocean productivity and fisheries, and marine product development.

Aquaculture efforts include research to make it possible to raise oysters under controlled conditions, possibly using heated waste water discharged by coastal power-producing plants to increase oyster growth. Other research has nearly established a new method of producing chum salmon; the new technology is already being put to use in several private Oregon hatcheries. Related work concerns development of methods to combat diseases of fish and shellfish raised in captivity. A new vaccine to prevent vibriosis, one of the most troublesome salmon diseases, is undergoing final tests.

The ocean productivity and fisheries program deals with assessing wild fish stocks and improving methods of harvesting them. Research includes an attempt to brand Dungeness crabs with laser beams; the branding marks, which are expected to remain even after the crab sheds its old shell, will be used to trace population movements and growth. Another project will attempt to determine if boat propeller noise scares away fish and lowers fishing productivity. Workshops on such topics as law for fishermen and fiscal management have made better businessmen of Oregon's professional fishermen.

The marine product development program has produced several new seafood products, including "fish-shrimp," a combination of fish and shrimp that gives processors a way to use broken pieces of shrimp and gives consumers a product that tastes like shrimp but costs less. Other work helps processors and retail stores improve sanitation conditions and handling practices. Work already completed showed that Oregon's groundfish are well below federal limits on heavy metal contamination.

Activities in the coastal zone environments division concern ocean engineering, and both the living and physical resources of Oregon's coast. Ocean engineers work to develop better construction methods capable of withstanding the tremendous forces of coastal waves, tides, currents and weather conditions. Other engineering work is determining the hydraulic characteristics of Oregon's estuaries and bays, information essential to planning and development in these areas.

Other researchers have developed a way to use seismometers (generally used to detect earthquakes) to measure wave heights, knowledge essential for the safety of coastal shipping. The new method is much less expensive than traditional methods and the equipment is never in direct contact with the ocean, avoiding damage problems due to currents and sand movement.

Much of sea grant's coastal zone work was done in cooperation with the Oregon Coastal Conservation and Development Commission (OCC&DC), which was charged with developing a plan for the Oregon coast by 1975. Reams of scientific data on the characteristics of the Oregon coast were provided OCC&DC to guide it in assessing coastal problems and potentials.

Sea Grant's Marine Advisory Program, long considered a model for similar programs throughout the country, works directly with coastal users, including marine industry, fishermen and recreationists who want to appreciate their coast. The Oregon State University Marine Science Center in Newport, where many research projects are based, also attracts thousands of visitors each year who view displays and aquaria designed to provide the public with information about Oregon's marine resources.

Oregon's Marine Advisory Program was also instrumental in establishing the Pacific Sea Grant Advisory Program (PASGAP), a cooperative venture of eight universities and three divisions of the National Marine Fisheries Service, all located around the Pacific rim. Joint publications and workshops recognize that marine problems and opportunities are not limited by state boundaries, but are often of a regional nature.

Educational programs conducted by sea grant have produced scores of ocean engineers, scientists, lawyers and environmental managers now scattered throughout the world. A program at Clatsop Community College in Astoria trains students to become commercial boat operators and professional fishermen; the program also provides night courses for working professional fishermen and boat operators.

Economic Potential of Recreation and Cultural Activities. Perhaps the most lucrative, nonpolluting source of economic growth is tourism. Oregonians commonly view the state as a major recreation and vacation area. Some differences of opinion exist, however, on whether the state should be actively developed as a recreation and vacation center, or be left as much as possible in its natural, undeveloped state. Clearly, many Oregonians fear "Californiazation" of their state and simply do not want anything done to attract hordes of visitors from in or out of state to clutter their parks, beaches, mountain areas, and hunting grounds.

Others see the state's natural environment as one of its major economic assets and argue that the whole economic strength of the state could be enhanced, and its tax base deepened and broadened, if recreation and vacation possibilities were carefully exploited.

While these debates go on, in somewhat theoretical terms, individual citizens, development companies, chambers of commerce, and others are proceeding with many kinds of projects to encourage tourism. Cottages and vacation home developments are being built in all kinds of recreation areas, lake front hideaways are rapidly being developed, motels are springing up everywhere, forest roads are being cut through, and more communities are trying to establish annual festivals and other inducements to lure Oregonians and outside vacationers. In other words, the issue is being settled by the individual actions of the private sector and by community action groups all over the state.

Oregon does not have a government-wide policy on the development of the state as a recreation and vacation center. Many state agencies are actively engaged in providing roads, parks, fish and game, and boating facilities, and they tend to work well together. But other state agencies such as the Department of Economic Development, the Oregon Arts Commission, the State Library, the Boards of Education, the State Fair Commission, and the Racing Commission have no well-defined part in a statewide recreation and vacation development effort.

Moreover, no organizational means exist for bringing all these agencies together to see what can be done to combine and coordinate their overall resources, interests, and objectives with a view to encouraging sound, long-term recreational and cultural development of the state.

Also, certain assets of the state have not been really exploited for recreation and vacation purposes. For example, despite the magnificent farms and ranches in Oregon, surprisingly little has been done to develop a farm and ranch vacation industry. For sometimes modest investments, farm and ranch entrepreneurs could provide excellent changes of pace and scenery for city families and profits for themselves.

Institutions of higher learning might similarly push "vacation colleges." Actually, a college in Oregon is an ideal place for a family summer vacation. The family lives in a

dormitory and can have inexpensive meals either there or at nearby eating places. During part of the day members of the family can attend lectures and classes of interest to them. Or some of them can shop or attend shows and other attractions. Afternoon and evenings usually are free for family activities. Weekends are free to visit museums, forests, lakes, and ocean shores.

Interest in the arts in every part of the state and the rich artistic talents found in so many communities likewise often go underdeveloped.

Many of Oregon's art organizations, even the better known ones (the Oregon Symphony and the Shakespearean Festival), have chronic financial difficulties. People in many communities rarely, if ever, see or hear first-rate artistic performances or works of art. Much more could be done, through imagination, cooperation, and better information, to bring art works and performances to the people. Encouraging signs, however, come from Oregon's Arts Commission with its Artists-in-Schools program and special outreach projects, to assist the arts and serve communities.

Looking into the future, the need for leisure time facilities and opportunities for Oregon's people can only grow, as will the population. More people not only will have more leisure time, but every indication seems to show they will want to make more satisfying use of it. Our parks, campgrounds ocean beaches, and other outdoor recreational facilities even now are feeling the pressure of crowding, and they show the wear and tear of long-term mass use.

Our urban communities have hardly begun to react meaningfully to the enormous demand for in-town recreational facilities for all age groups. Even in an outdoor state such as Oregon, substantial numbers of aged, infirmed, and poor never get out into the countryside. Yet community centers have demonstrated a wide range of age groups and interests can find many happy and constructive things to do with leisure time. Some centers offer day-long and evening activities from indoor athletic programs to square dancing.

Many more such in-town facilities and activities will have to be developed to enrich the leisure time of hundreds of thousands of additional urban dwellers living in Oregon. Rising urban tensions stemming from many social and economic causes, including increased crowding, give added importance to the need for careful planning of coordinated measures to deal with the mounting demand for urban recreational programs. Critical in this planning may be the role that Oregon's universities and colleges can play in helping to develop and conduct well-rounded programs for the preparation of an adequate number of community center directors and assistants—a need not met today and only barely recognized. (Also, somewhere in the college and university system attention advantageously might be given to the development of a program in hotel-motel management. The whole state is dotted with such facilities, and the need for competent staff can only grow.)

Efforts to cope with such problems are complicated by splintered responsibilities and lack of adequate funds. Most of the responsibility for developing leisure-time facilities and opportunities lies quite properly in the private sector. Many of the cities and counties long have operated park-type recreation activities and some sports and other in-town community recreation centers.

The state government's role in recreation activities has largely been limited to developing fish and game resources and creating roadside parks. In the past decade, the surge of interest in camping and the mass production of house trailers have put heavy burdens on the Parks and Recreation Branch of the Highway Division. Likewise, the phenomenal increase in pleasure boating has increased the workload of the Marine Board. But, for general perspective, the activities of probably a number of state units could have considerable unrealized potential for helping to meet the state's rapidly mounting demand for leisure time facilities and cultural and vacation opportunities yet in the 1970's and through the 1980's.

ECONOMIC REGULATION FOR CONSUMER PROTECTION

Regulation of private economic activity and protection of citizens from the physical hazards of working and living in a modern technological society may be major related functions of state government. In our modern, complex, interdependent economy, individuals who buy goods and services and sell their labor often are highly dependent upon the actions of others they do not know and over whom they have no control. Therefore, citizens look to the state to establish and enforce some minimum standards of justice, honesty, and safety in the marketplace for goods, services, and labor. Such standards ought to be responsive to the individual buyer and the individual worker.

With this in mind, several state units have been created to communicate more effectively the interests of consumers to government. Consumer Protection under the Attorney General handles fraud and misrepresentation. Consumer Services in the Department of Commerce handles household goods and services. A Consumer Officer in the Department of Agriculture deals with food products. The Office of the Public Utility Commissioner has a Consumer Assistance Division to help resolve disputes between customers and private utility companies. In addition, at least one public member serves on each board or commission which licenses or otherwise regulates any occupation or profession. That member may be an individual not regulated or governed by decisions of the board or commission on which he or she serves.

Those who produce goods and services and buy human labor also have a strong interest in the standards the state sets for fairness, honesty and safety in the conduct of private economic transactions. Some businessmen welcome the establishment of basic rules in the marketplace as ways of keeping competition within the bounds of healthy

rivalry and preventing the pressures of excessive competition from leading to misrepresentation or disintegration of standards in the economic system. They assert that standards lead to confidence, and confidence is good for business. Others argue that the state should refrain from engaging in economic regulation. The market, they say, will regulate itself, pointing out that total protection by regulation may produce problems worse than those the standards seek to correct.

Most producers, while neither welcoming economic regulation nor denying its necessity, accept the fact that the state is involved, and seek either to keep the level of regulation at a minimum, or seek to make the state's regulatory activities responsive to the needs of business.

Regardless of the arguments from various segments of the economy, economic regulation is with us, and myriad state and local government boards, agencies, commissions, councils, and committees are involved in regulating Oregon's economy.

In agriculture, for example, commodity growers have formed self-help commissions under state law to provide research and promote their products. Oregon State University, through its School of Agriculture, Cooperative Extension Service, and Experiment Station, plays an important role. The Oregon Department of Agriculture plans long-range development of agricultural resources and administers and enforces laws and regulations covering grain, milk, livestock, dairy and consumer services, horticulture, and veterinary services.

For air and water port activities, the Oregon Aeronautics Division, financed by a small tax on aviation gasoline, jet fuel and aircraft registration, is responsible for the development of airports, airways, airplane industries and aviation. Twenty-three port districts serve the state. The Ports Division (Department of Economic Development) provides the ports a meeting ground for the coordination of activities.

The Fish Division regulates harvest and care of fish and shellfish. The Department of Commerce regulates commerce through licensing and inspection, for example, in accountancy, architecture, auctioneering, banking, barbering, building, engineering, landscaping, insurance and others.

The Department of Forestry, in addition to managing state-owned forest lands, administers fire protection laws and numerous other programs. Still other boards or agencies regulate and license professions, for instance, in cosmetic therapy, dentistry, education, funeral direction and embalming, health, medicine, nursing, practical nursing, optometry, pharmacy, physical therapy, podiatry, psychiatry and psychology.

Whatever the agency or commission, the pattern for organizing economic regulation has been to place responsibility for enforcement in a group responsive to the interests of those being regulated. Thus, if commerce were to be regulated, it has been thought people in business could best enforce regulations on those with similar interests; if labor, the working man; if agriculture, the farmer or rancher; if licensing, members of the occupation being licensed; and so on. But such a pattern may no longer be suitable in times when government is being held to strong standards of action in the public interest, and consumers' needs are becoming more actively and insistently presented to government. Whatever the representation, it must be informed, capable and fair.

Taxes as a Means of Regulation. Taxation of business can affect what is produced and where. Taxes on products or activities of one business can affect costs of another business. Taxes often determine how businesses use resources and distribute profits. Taxes are sometimes used for other purposes as well.

Taxes on tobacco and alcoholic beverages, for example, are used both to produce revenue and to discourage the use of these goods. In addition to raising revenues, Oregon's timber tax policy was intended to encourage good forestry practices among timber owners. The federal government uses taxes called tariffs to discourage or encourage importing certain goods into this country. (At one time, tariffs were the largest source of revenue for the federal government and were in part responsible for a surplus in the treasury. Today, tariffs are primarily control devices and produce few budget receipts for the federal government.)

Economic Regulation for Noneconomic Purposes. Economic regulation for protection of the weaker party is traditional, but a growing trend is the regulation of economic activity for the purpose of attaining noneconomic goals related to the quality of living. The focus of government action to preserve and enhance the quality of the environment—through air and water pollution control, scenic preservation, open spaces, preservation of wilderness areas, control and disposal of solid wastes, litter and junk, and prevention of blight—presents conflicts not between segments of the economy, but among all of these, the economic-oriented and the noneconomic-oriented.

Thus, the role of the Department of Economic Development is to sustain a level of economic activity in the state which will support a high standard of living for the citizens of Oregon while maintaining the state's quality environment and livability. Moreover, it seeks to stimulate economic activity in rural and less populous areas.

In order to fulfill its role, this department conducts a number of activities intended to increase industrial development capability at the community level, to identify opportunities for growth and diversification and to initiate interest and action in those opportunities identified, to improve economic decision making and increase awareness of the nature of Oregon's economy, to assist industry in the application of new technology, and to broaden the economic base.

TRANSPORTATION AND THE ECONOMY

Transportation, like communications, has a special character because it controls so much else. Good transportation can open up a country; bad transportation can hobble it. Jobs, industry and commerce, food supply, health services, recreation—indeed, the entire future of Oregon's cities and the character of its countryside and environment—are directly dependent upon the kind of transportation system the state develops.

Oregonians obviously have an enormous stake in transportation services. For both selling and buying goods and produce, Oregon is utterly dependent on long-haul transportation. Moreover, the state's geographic location complicates its ability to compete in national and world markets. The lumber and wood products and food industries are highly competitive and dynamic. When quality and other factors are about equal, an advantage or disadvantage in motor, air, or rail freight rate charges, a regional boxcar shortage, or any of a number of conditions affecting transportation service conditions can spell the difference between acceptance or rejection of Oregon products.

For Oregon, such acceptance or rejection can mean the difference between prosperity or recession. During one recent year, rail traffic valued at more than $2 billion originated in Oregon. In that same year the state's water traffic made an additional contribution of more than $800 million. Truck and air freight activity are also substantial.

Oregon also has high stakes in transportation-based commercial activity, including wholesaling, warehousing, trucking, and shipping. Port activities provide considerable income to the state and employment to many thousands. Other thousands of Oregonians are employed in industries dependent on transportation.

As Oregon faces the 1980's, its transportation system is in a critical phase of transition. In an era of growing concern about energy conservation and social problems, the emphasis has changed. Rather than construction of new transportation systems, the emphasis is now more on rehabilitation of existing ones. Portland's air facilities already are clogged, and the alternative methods of easing the problem are not only limited but very controversial. Portland as a seaport faces an uncertain future because of technological changes in the world shipping industry. A general port development in Oregon is unbalanced, with the smaller ports lacking the resources for sound and timely development. Urban and interurban mass transit planning already has begun in Oregon, a recognition that this type of transportation could well be a major determinant of the way the state develops from this point on.

Although Washington and Oregon have many common transportation characteristics and needs, it nevertheless is a fact that the two states are engaged in a long-term competitive commercial struggle in the air and on the land and sea. The outcome of this duel will depend, first, on which state develops the best means for following and interpreting the many dramatic and yet often subtle technological changes taking place in transportation, and second, on which state develops the best capacity for taking necessary and effective action.

Marine Transportation. Shipping operators increasingly are acquiring ever-larger and more economic vessels. Ports and channels that cannot receive and service such vessels will find their share of shipborne commerce steadily dropping. Unless ports deepen their channels and improve their ship-handling capacities, or develop some competitive and safe system for floating cargo units off large vessels from the point where those vessels cannot travel further, they will face an uncertain future.

The Port of Portland's major problem is the trend to ever-larger cargo vessels which may force the locus of ocean shipping activity to shift from Portland to Astoria because of Portland's channel limitations. The consequences of such a shift for Oregon would be enormous. A large part of the economy of the whole state is tied up with the question of whether Oregon retains one of the world's great ports, or loses the race to Seattle. Only a broad, carefully coordinated program will enable the state to take the necessary action in time.

It should thus be understood that development of the Astoria area as a major freight transfer center would involve a revolution in conditions along the lower Columbia River. Dredging and engineering work would be needed to assure an adequate approach to the Astoria area by the largest freighters. Then cost-competitive cargo landing systems must be devised to permit these giant freighters to discharge and get on their way in the minimum time possible. Whole reaches of the riverside would be needed for depots, docks, freight staging areas, and fuel storage facilities. A considerable upgrading of the rail, highway, and air connections with Portland would be essential to the success of the project. The implications of all this for fish and wildlife in and along the river cannot be fully judged. The problems of land use, urban and suburban development, increased demands on educational and recreational facilities, and the consequences of all this activity for the pollution of beaches and water would require the closest kind of coordinated study. Obviously, however, the sooner coordinated planning takes place, the more likely the state is to find ways to harmonize some, if not all, of the various interests involved.

Likewise, studies must be started soon on the consequences to the Portland area of these complex developments. Obviously, the Port of Portland is not financed to handle the scale of study and development activity described above. Its whole future needs fundamental review, and its planning activity will have to be deepened considerably and then coordinated extensively with other transportation agencies and with a whole range of other state, local, and federal agencies.

Other ports may also claim the state's attention. A number of them have significant commercial as well as recreational potential, and their development will require substantial funds and other scarce resources. Therefore, if the state is to encourage the sound development of these ports, and if it is to avoid wasteful competition among them, some means will have to be found for relating the potential of each to overall state and regional development goals and for harmonizing and validating their individual claims to public resources.

Air Transportation. As incredibly fast as the development of air transportation has been in the past 40 years, the whole field is still in what might be called the primitive stage. Only a few airports in the state can handle jet aircraft, and only one can handle the biggest jets.

The need for substantial enlargement of Portland International Airport has been seen, but methods of achieving the enlargement at the present location have raised major technical and public relations questions. The continued growth both in the size of aircraft and the load of air activity in the years ahead will continue to force consideration of the long-term suitability of the present airport location. However, a shift in the airport location or division of the load by the creation of a second major airport in the Portland area would cause vast changes in the patterns of land use in whatever area is chosen.

Also, with the prospect of thrusting new airports further out into the countryside comes the problem of providing access—the ability of patrons to get to and from them safely, quickly, and reliably. Unfortunately, traffic conditions in Portland's clogged urban streets and its increasingly encumbered radial highways will not likely provide the kind of airport-town transportation service that air patrons will demand. Consideration will have to be given either to some kind of airborne airport-town transportation or to a high-speed rail system in order to bypass the ground congestion. The airborne form, however, will have to overcome stubborn problems of cost, all-weather reliability, and safety. Several other American cities recently have begun developing high-speed rail service to their airports, and this development may be widespread in the years to come.

Statewide, Oregon's large area contributes to the problems of linking its urban centers. While the state has moved ahead rapidly in creating facilities for small private aircraft, much more remains to be done to improve both private plane facilities and safety. Indeed, the steady increase in private aircraft is going to add substantial risks to all airborne movement.

In the field of public airborne passenger transportation, Oregon's major urban areas still are only marginally connected with each other and with other urban centers. In many parts of Oregon people still live in isolation, cut off by winter, mountains, and long distances. For business, recreation, health and shopping reasons, many more Oregonians from all points in the state will demand both reliable and readily available air service to get where they want to go, and increased traffic will come from out of state. Public airports and air navigation systems will have to be expanded and improved, and new and increased routings will have to be secured.

Even if Oregon air service can be increased substantially, air travel still will be subject to annoying unreliability because of snow, ice, fog and mechanical problems. Moreover, many persons will remain fearful of traveling by air despite incredibly good safety records by the airlines. If anything, both fear and unreliability likely will get worse as air traffic increases. Great concern already exists about the "stacking up" of aircraft over national airports, and massive scheduling problems have developed in connection with even the present level of air activity. Satellite airfields are being built to handle overflow, but frustrated passengers are being forced to take long bus or cab rides to the main airport to reconnect with other flights or to get their cars in the main airport parking lots.

Unquestionably, Oregon's air facilities and passengers are headed for most of the same dangerous crisis conditions being experienced at other major national airports.

Surface Transportation. Mention has been made already of the critical importance of rail and truck transportation to Oregon's economic life. Oregon interests are tied closely with nearly every proposed change in freight rate charges, and developments on that front have to be monitored closely and constantly. Likewise, shippers need most careful information on the supply of freight cars, and they need a powerful voice to argue their needs when too many cars are held too long in other places.

As rail passenger transportation declined throughout the 1960's, bus passenger transportation continued to grow. Now intercity buses serve as a main link between most Oregon towns. Because of poor schedules and other bad conditions, little demand really exists any more for the few remaining rail passenger runs. But concern remains about limitations from relying completely on automobiles and and planes for transportation.

As troubled a future as is predicted for air passenger transportation, the future of highway travel may be in equal trouble. The Oregon State Motor Vehicles Division estimates the highway load may double by 1980.

Such projections raise serious questions about the validity of trying to meet certain kinds of future surface transportation needs by building highways. Studies show the biggest part of the increased vehicular load will be on the road networks in and around Oregon's principal cities. But, at the same time, dollars for construction of new highways are declining. As a result, the movement is away from new highway construction to rehabilitation and more efficient use of existing systems. In addition, more effort must be spent on facilitating the movement of freight rather than concentrating on passenger travel.

Oregon is one of the few rapidly developing states that still have a little time to avoid the urban disasters caused elsewhere by single-minded reliance on autos and buses to carry ever-increasing numbers of people in and out of the cities. In large part, responsibilities for coordinating and developing long-range plans for an integrated system of transportation services to protect the public interest fall upon the Department of Transportation.

OREGON'S EMPLOYMENT OUTLOOK

Oregon's employment growth between 1960 and 1970 of 21.9 percent substantially exceeded its 18.2 percent rate of population increase over that decade. From 1970 to 1974 Oregon's resident civilian labor force expanded at an annual rate of 3.2 percent to approximately 1,022,700 in 1974. During the decade of the 1970's projected total Oregon employment may expand by 30.7 percent to close to 1,157,000 in 1980.

Oregon's total manufacturing employment is projected to increase despite a substantial decline in lumber and wood products employment. Continued increases in worker productivity and restricted timber supply will be the major factors in the drop in lumber and wood products jobs. Offsetting job gains are projected for other durable goods manufacturing, food products, and other nondurables manufacturing.

Expanding Pacific Coast export markets, population growth, and continued industrial diversification supported by the attraction of new industry, such as electronics and machinery, are all major factors in the basic expansion anticipated. On the other hand, required energy conservation, growing materials shortages, and the continued problems of high inflation are factors expected to limit job gains.

Average employment in agriculture declined by close to 49 percent from 1960 to 1970. A further reduction will take place as the result of productivity increases, shifts from labor intensive crops, and farm consolidations. Mechanization, capitalization and crop specialization are the prime factors which will continue to change the nature of Oregon's agricultural industry. The total Oregon acreage in irrigation rose by 11 percent from 1965 to 1974 and is projected to increase another 15 percent by 1980. Most of this expansion will be in sprinkler irrigation.

The largest employment gains have been occurring in secondary industries—wholesale and retail trade, services, finance-insurance and government. Technological change and associated increases in productivity affect these industries less than those of basic agriculture and manufacturing. As society becomes increasingly services oriented, the limitations of energy and other declining natural resources are expected to have less effect on service industry activities than on production.

Among major occupational groups the largest numerical increases in jobs over the next few years are projected in the clerical, professional-technical and the managers, officials and proprietor categories. Substantial increases will also occur in jobs for craftsmen, foremen and kindred workers, sales occupations, and service workers. The demand for laborers will continue to slacken because of the increased use of machinery to replace manual labor, though light increase may still take place. On the average, however, farmer and farm laborer jobs will decline substantially.

STATE OF OREGON PROJECTED OCCUPATIONAL EMPLOYMENT BY BROAD OCCUPATIONAL GROUP 1970-1980

Occupational Group	1970 Employment	1980 Employment	Change 1970-1980
Total All Occupations	824,380	1,017,300	+23.4%
Professional, Technical & Kindred Workers	111,140	146,790	+32.1
Managers, Officials & Proprietors	89,470	125,410	+40.2
Sales Workers	56,090	72,030	+28.4
Clerical Workers	129,270	174,920	+35.3
Craftsmen, Foremen & Kindred Workers	99,410	125,040	+25.8
Operatives	123,410	144,830	+17.4
Service Workers	113,840	142,030	+24.8
Laborers, Excl. Farm	60,780	63,170	+ 3.9
Farmers & Farm Workers	40,970	23,080	- 43.7

–Occupational Manpower Trends in the State of Oregon, 1970-1980, Oregon Employment Division, Research and Statistics Section.

LABOR-MANAGEMENT RELATIONS

Oregon state government has several roles to play in labor-management relations. It employs some 34,000 citizens in its various agencies and institutions of higher education and sets rules for the conduct of labor relations with its own employees. It sets the guidelines for the conduct of labor-management relations between local governments and their employees. It sets the guidelines for labor-management relations in those areas of Oregon's private economy where federal labor laws have not preempted the field as a matter of interstate commerce. It offers professional mediation services to help the parties reach collective bargaining agreements in labor-management relations in both public and private employment.

Two agencies of state government are involved in labor-management relations: the Personnel Division of the Executive Department and the Employment Relations Board. The first is the central personnel agency for state government and the Governor's staff agency in establishing rules and procedures and employment conditions for all state employees other than faculty of the State System of Higher Education. It also serves as the Governor's representative in negotiations with labor organizations representing state employees.

The Employment Relations Board (a union in July 1975 of the State Labor-Management Relations Board and the Public Employee Relations Board) combines private and public sector jurisdiction in labor-relations matters in one state board.

EMPLOYEE PROTECTION: A GOVERNMENT RESPONSIBILITY

At least 16 separate state and federal agencies are involved in programs which attempt to alleviate the causes and effects of unemployment and to protect and regulate Oregon's work force. The Employment Division of the Department of Human Resources provides employment service and unemployment insurance benefits, and administers federal programs of the U. S. Department of Labor, the Manpower Administration, the Employment and Training Administration, the Manpower Development and Training Act (now replaced mostly by the Comprehensive Employment and Training Act), and the Bureau of Labor Statistics.

The Labor Commissioner is Chairman of the State Apprenticeship and Training Council, Executive Secretary of the State Wage and Hour Commission, and appoints the Human Rights Advisory Council which advises the Bureau of Labor on enforcement of the state's human rights laws.

The Governor's Committee on Employment of the Handicapped serves as a catalyst for all information and promotion of employment of the handicapped in Oregon.

An Oregon Manpower Services Council and a Governor's Planning Council were created to implement and effectuate manpower planning and services in Oregon. These groups are charged with many related responsibilities such as advising the Governor of needs for manpower services and of services and priorities needed to fill those needs. They work closely with all agencies of state government in order to achieve the greatest possible degree of cooperation and coordination to help solve manpower problems in Oregon.

The State Accident Insurance Fund, known as SAIF, operates as a competitive mutual insurance company. Contributing employers are insured against liability to their workmen for bodily injury received by accident in the course of employment. SAIF protects the rights of both the employee and employer. It serves as a "yardstick" for the insurance industry in both cost and service. It provides safety programs and related services through professional home office and district office personnel, and trains and maintains an administrative force through which injured workmen receive medical treatment, compensation, and any necessary rehabilitation.

SAIF insures about 40,000 Oregon employers and provides protection for over 350,000 workers; and, as the state's largest workmen's compensation insurer, employs 500 people in its operation. SAIF handles over 70,000 claims per year, using no tax money because it is self-supporting.

A three-member Workmen's Compensation Board appointed by the Governor is responsible for administering laws relating to workmen injured in the course of their employment. Under Oregon law, employers are obligated to provide workmen's compensation insurance whether through the State Accident Insurance Fund, private carrier or self-insurance. In addition to supervising payments to injured workmen, the Workmen's Compensation Board concerns itself with promulgating and enforcing safety orders, as well as administering disability prevention and rehabilitation programs. Operating funds for the Workmen's Compensation Board are derived from assessments collected from all subject employers.

EQUAL EMPLOYMENT OPPORTUNITY: AFFIRMATIVE ACTION

Affirmative Action for Equal Employment Opportunity was initiated in April 1972 to achieve full equality of employment and appropriate distribution of minority and female employees at all levels and in all phases of the state employment structure. A U. S. Department of Labor project laid the groundwork during the previous year. All agencies were asked to designate affirmative action officers and to begin developing individual agency action plans tailored to their circumstances.

1973 Legislation. The 1973 Oregon legislature authorized establishing a full-time specialist within the Personnel Division for the 1973-75 biennium to recruit minority applicants, act as liaison between the "system" and Oregon's minorities—particularly the black community, and provide assistance to the State Coordinator for Affirmative Action. Objectives accomplished have included efforts to make clear for managerial personnel the commitments to this program, the attitudes and problems of minorities, the mechanics for effecting Affirmative Action within organizations, and the means for pursuing qualified applicants.

Direct outreach recruiting activities have increased the percentage of minorities in the state work force (from October 1973—the first month in which data was gathered—through June 1974 from 2.97 percent to 3.79 percent; women in jobs paying $12,000 or more annually increased from 9.9 percent to 10.5 percent in the same period). An interagency investigation team of affirmative action officers reviews progress of all state attempts to promote Affirmative Action.

Among its goals, Affirmative Action seeks to increase employment of minorities at all levels and the numbers of women employed in positions paying $10,000 per year and more. It seeks upward mobility program commitments to provide more opportunities for both minorities and women.

1975 Labor Legislation. Numerous decisions affected employment during the 1975 session. Among them, minimum state wage rates were raised to $2.10 an hour for 1975 and to $2.30 thereafter. Lower minimum hourly wages were established for certain persons employed in agriculture, but by 31 December 1977 they, too, would reach $2.30 an hour.

The maximum limitation on workmen's compensation benefits for temporary total disability was raised to 100 percent of average weekly wage. Expanded definition of "permanent total disability" in Workmen's Compensation Law included loss of use or function of any scheduled or unscheduled portion of the body. Maximum benefits were increased from 66 2/3 percent to 100 percent of average weekly wage for permanent and total disability. Another bill added to the list of exemptions from provision that workmen's compensation is exclusive remedy for injuries.

"Professional strike breakers" may not now replace regular employees who are involved in a strike or lockout.

The number of persons eligible for unemployment benefits was increased by including persons who received payments for sick pay, vacation pay, or holiday pay which was earned, but not paid, for services performed prior to employment termination.

Employers may not discharge, threaten to discharge, intimidate, or coerce employees who serve or are scheduled to serve as jurors. The labor commissioner had subpoena power broadened to include evidence, rather than just testimony; to authorize subpoenas to aid in processing wage claims; and to require the respondent in a contested case to pay the witness fees of his own witnesses.

conserving human resources

What was true nearly ten years ago is perhaps only more acute today. The level of public expectation in the area of social services makes one think twice, considering that many social service experts frankly admit they are far from certain what to do about many of our social problems. Few claim they have answers for eliminating poverty or discrimination, removing people from dependency, restoring mental health, or keeping criminals from returning to crime after release. Yet general public agreement says government has to do these things, and the public must support the efforts.

Increasingly government is expected to do more than pick up the pieces of social failure after individuals break down or circumstances bring them down. Government is expected to prevent or reduce instances of social failure in the first place, and to treat not just the results of social failure, but the causes as well.

Rising living costs, poor training and development, bad diets and housing, ever costlier health services, inadequate recreation services, lack of job opportunities or inadequate transportation to jobs—all of these problems seem to be getting more difficult. Unless major offsetting actions are set in motion, such problems may only get worse.

The major problems of today generally are formulated and defined in terms of poverty, race, crime, delinquency, alienation of youth, alcohol and drug abuse, the urban crisis, mental breakdown, and family breakdown. What lies ahead?

RACIAL JUSTICE: CHALLENGES FOR STATE AND LOCAL GOVERNMENTS

Civil disorders and post-war inquiries—on civil rights, urban and slum problems, housing, equal employment opportunity, crime and law enforcement—have focused on human rights and justice as dominant, recurring themes in recent years. A challenge for Americans and for governments, state and local, comes down to this: What can be done to provide the same freedoms and opportunities for *all* Americans?

Get citizens involved. This often is the pat answer. But how?

How, for instance, may effective communication between minority groups and their local and state governments be established? How can racial isolation be reduced? How may minority group leaders participate in shaping decisions and policies affecting their communities? Who will hold public officials accountable?

What can be done to coordinate efforts of labor, industry, and public agencies to interrupt cycles of failure whereby employment disabilities of one generation breed those of the next? Fair employment standards are on paper; who will set an example to enforce them?

How can adequate resources be guaranteed for all, so that a decent life style can be pursued?

What can change basic civic attitudes individual and group—about antidiscriminatory housing? What can be done to get more and better housing for minority and low-income groups?

What may improve education and training of police officers in duties pertaining to human and community relations? What measures may be taken to help courts maintain justice at all levels?

The questions come more easily than the answers. The challenges are many. Certainly racial problems in Oregon seem small when compared to those from some other states. Certainly they could get worse. How long Oregon can go without experiencing additional violence or explosiveness is a sound question. The answer lies in what action Oregonians can get under way at once.

SEASONAL FARM LABOR PROBLEMS IN OREGON

The Mid-Willamette Valley area (Marion, Polk, Clackamas, Yamhill, Washington and Multnomah counties) is one of the nation's richest agricultural areas, and during peak season, the nation's third largest user of migrant and seasonal farm labor. It is estimated that between 10,000 and 12,000 migrant workers come into the valley from other states. In addition, intra-state migrants, local seasonal workers who commute from home to farm each day, number over 30,000.

Migrant families begin to move into the area in late May or June when strawberries are ready. If the crop is good enough to get four pickings, work may last through July. At the end of July or the first week of August, pole beans usually begin, though first pickings are not the best. But two or three weeks come between strawberries and beans, and often families will be without work during this time.

The seasonal farm labor force in this area can be divided into three groups: settled-out families, migrant families, and day-haulers. The opportunities for employment in industry or business are limited for young people here. Those over 16 who can obtain work permits may get jobs in a cannery, but high unemployment sometimes limits industrial jobs for teenagers. Field work has been a part of life for many young people in this area. Contracting is sometimes done in the high schools in May, and sometimes teachers will be crew leaders for the summer.

Field conditions have improved in recent years. Privies are usually available, though drinking water and water for washing hands are often not. Young people usually take sack lunches and those not close enough to walk or bicycle are usually bused to and from the fields.

For many such day-haul youngsters in Oregon, an amendment to the federal Fair Labor Standards Act in April 1974 brought an end to their income. To a bill intended to increase the minimum wage for the first time since 1967, the Senate Labor and Public Welfare Committee added an amendment providing that no children under 12 could work on farms, and children 12 and 13 must have parental consent to do so.

Migrants and Welfare in Oregon. Recent years have seen fewer and fewer migrant camps in Oregon. More rigid health and sanitary requirements and a diminishing need for manual labor in harvesting crops have begun to affect migrant life styles. A family buying or owning a house in Texas, for example, will find a summer in Oregon less profitable if, in addition to the cost of transportation, it must pay rent and utility costs during the harvest season.

The strictly migrant family does not usually meet the residence requirements necessary to receive welfare help under Aid to Dependent Children (ADC) or General Assistance programs. While welfare policy does not require a period of durational residence, recipients of these programs must be Oregon residents. A resident is considered to be a person living in the state voluntarily who has no immediate intention of leaving. In addition, generally real property owned as a home in another state or county results in ineligibility for welfare. Migrant families with short term needs who are ineligible for ADC because they do not intend to remain in Oregon may be helped through welfare Emergency Assistance.

Migrant families may participate in the food stamp program whether they intend to remain in Oregon or own a house and lot in another state. When a migrant family enters an area where crops are not yet ready to be picked, time may pass before any income is available to them. In such cases the family may receive food stamps at no charge until employment can be secured. Employable members of migrant households who are not employed at least 30 hours a week must register for and accept suitable employment in the same manner as other persons. Earned income of a student under 18 years of age is exempt from consideration in certifying the purchase cost of food stamps.

Welfare has been an important stabilizing influence as greater numbers of migrant families are undergoing the transitional settling-out process. Oregon, as well as California and Washington, are attractive to migrants who plan to settle, as well as being pleasant places to live, with work in agriculture still seasonally available. Oregon, California, and Washington are among only 24 states which provide welfare assistance to children of unemployed fathers, a provision made optional to states by amendments to the Social Security Act. No longer must families in these states separate in order to qualify for aid when work is not available.

When the harvest season ends and work becomes scarce, the resident migrant family will meet eligibility requirements when the father has less than 100 hours of work in 30 days. He must not have refused employment without good cause, and he must register with the Employment Division. But often the head of a settled-out family will continue to work for one farmer throughout the year as work becomes available. The family receiving ADC is allowed the first $30 of earnings and one third of the gross earnings remaining, as well as all mandatory deductions and certain work expenses, before any deductions are made from the assistance grant. Earnings of school children are not counted in computing the grant.

When the head of a family is employed full time but is earning less than welfare standards, the family may apply for the General Assistance supplementation program. An earnings report will be turned in each month and the family income can be supplemented up to General Assistance standards.

Health. The Oregon State Health Division does not provide health facilities for migrant workers, but health care is available to them. For example, a large clinic in Woodburn (nearly 30 professional people) funded by the federal Department of Health, Education and Welfare offers a full range of primary health care. A mobile van carries the services to the migrants who cannot come to the clinic.

Under existing health codes, cabins must meet certain specifications, fields are required to have a specific number of latrines per acre, and there are restrictions on washing and drinking facilities. The State Health Division has eight inspectors responsible for seeing that growers comply with established standards. These inspectors are able to shut down a grower who does not comply, or levy fines that increase on a daily basis for noncompliance with their orders.

Day Care and Education Programs. Most migrant camps in Oregon have no summer programs or day care centers nearby. Young children are either taken to the fields or left in camp with a child or nonworking adult. Strong family patterns keep families working together in the fields.

After mothers and children in the Salem area marched on the capitol, the state made day care funds available. The

centers, however, established in Salem and Woodburn, for example, are not readily accessible to many seasonal farm workers in the area. For the people settled out in the city, dropping a child off at a center before going to the fields is feasible; but for those living in camps outside the city, transporting children to the center is not.

At most, perhaps 1500 children benefit from summer migrant education programs financed by federal funds. The average daily attendance, however, is often half to two-thirds of enrollment. Many children in programs are from settled-out families, not those in the camps and truly migrant. Still, an estimated 30-40,000 migrants live in the Willamette Valley during the summer; the average family size is nearly seven.

The Intergroup Human Relations Commission of the State Board of Education has made suggestions for improving the schooling of migrants and, indeed, for all children. It has recommended improved textbooks for and about Mexican-Americans. It urged requirements changed for certifying teachers so that Spanish- or Russian-speaking adults can work with children, refusing teaching positions to prejudiced people or to those uninformed about the cultural backgrounds of the students they are to teach. And, it would require all schools to give much more attention in the curriculum to the cultural backgrounds and contributions of minority groups.

Existing State Programs. State agencies and groups that conduct programs directly or indirectly related to seasonally employed agricultural workers include the state departments or divisions of Agriculture, Education, Employment, Health, Labor, Motor Vehicles, Welfare, and the Workmen's Compensation Board.

County or area agencies include community action agencies, Farmers Home Administration and school districts. Community colleges and other institutions of higher education, public and private, have been involved, as well as the Farm Bureau Federation, growers' associations, Migrant Ministry (Oregon Council of Churches), United Farm Workers of Oregon, Oregon Rural Opportunities, Volunteers in Vanguard Action (VIVA), Catholic Welfare Agencies, Archdiocese of Portland, and Stella Maris House.

Each agency or group, for all practical purposes, conducts its program independently and is not required or called upon to coordinate its efforts with others engaged in programs related to the same clientele. As might be expected in such a situation, considerable conflict of interest and duplication of effort results. For example, labor camps are officially inspected by local health officials, representatives of the State Health Division, the State Employment Service, the Bureau of Labor, and when federal funding is involved, by the Farmers Home Administration and the Office of Economic Opportunity. Unofficial visits and inspections of camps are made by many other groups such as the United Farm Workers, the Migrant Ministry, Oregon Rural Opportunities, Volunteers in Vanguard Action and others. Federal, state and county agencies have been assigned responsibility to administer certain programs related to seasonally employed agricultural workers, but it is a piece-meal approach with little likelihood of making any lasting impact on the many problems facing seasonal agricultural workers and their employers.

In 1959 the legislature created a state Interagency Committee on Migratory Labor in an effort to provide some coordination of state agency work in this field. The committee was disbanded in 1968. Moreover, Oregon does not have substantial legislation designed to protect *equally* the rights of the grower and his employees, and in turn the vital agricultural industry.

Legislative protection for the farmworker since 1959 has provided for, among other things, licensing of farm labor contractors and registration of crew leaders; minimum standards for housing and sanitation of farm labor camps; safety checks for vehicles transporting farmworkers to their place of employment; summer programs on education for migrants; notification of health officers prior to the operation of a farm labor camp; employers' posting terms of employment and providing workers with an itemized wage statement; limited extensions of workmen's compensation to agricultural workers.

But legislation considered unfavorable to farmworkers since 1961 has included restrictions on picketing of agricultural production sites; exclusion of farmworkers from minimum wage statutes; and repeal of crew leader registration provisions.

Legislation recommended by farmworker organizations, church groups, government agencies and others has included extending minimum wage and unemployment compensation coverage to agricultural workers; adopting more stringent child labor laws for farmworkers; reforming education aimed at aiding Spanish-speaking (and other non-English-speaking) children; insuring fair labor relations between farmer and farmworker; adopting field and farm labor camp standards comparable to Oregon's neighboring states; having the state assume responsibility for housing for the people who harvest this state's crops.

OREGON'S DECIMATED INDIAN POPULATION

Dozens of Indian tribes of at least 14 distinct linguistic families at one time occupied Oregon, Washington and Idaho. Collectively they represented two major and sharply different cultures: one east, the other west of the Cascade Mountains.

Seminomadic Plateau Indians from 25 distinct tribes ranged over the dry uplands of Idaho and eastern Oregon and Washington, and at least 50 different tribes once lived along the rivers and bays of the Washington and Oregon coastal areas.

After the coming of white people, however, disease, famine and war decimated many of these tribes, and by 1880 most surviving Indians of the three-state area were placed on reservations.

Today, Oregon has about 13,500 Indians, almost 4,000 of them on three reservations: Umatilla, Warm Springs, Burns Paiute. Members of the Cayuse, Umatilla, and Walla Walla tribes occupy the Umatilla reservation, while Warm Springs is the home of Warm Springs, Wasco, and Paiute tribes. These two major reservations, 653,000 acres altogether, are the homes of about 3600 Indians. The large Klamath Reservation, nearly a million acres in southern Oregon with about 2300 residents, was terminated as a trust area by Public Law 587 (enacted in 1954) in 1960.

One hopeful experiment in Indian rehabilitation has begun in Oregon in the last few years. Large-scale planning for community improvement is under way on the Warm Springs Reservation, where the tribal council engaged a private company to prepare a comprehensive plan that could be carried out over a two- or three-year period, with financial assistance from the Department of Housing and Urban Affairs. In addition, the Division of Indian Health operates a major health center on the reservation. But the most ambitious tribal enterprise yet created is tourist-oriented Kah-nee-ta, a mineral springs resort on the reservation. Representing an investment of over $1 million, this complex of lodges, campsites, spring-fed swimming pools, riding trails, and fishing holes has become a mecca for West Coast vacationers.

The apparent success of the Warm Springs experiment, however, is unique. Less than 200 miles away, 1248 Indians reside on the Umatilla Reservation with an unemployment rate of 51 percent of the available labor force (compared to the Umatilla County unemployment rate of 6.2 percent), and a median family income of $1,118. Most Indians on the reservation have not gone beyond the ninth grade in school. The tribe is governed by a nine-member board of trustees elected by the tribal members. Tribal income is only $35,000, but efforts have been made to organize a Tribal Leasing Enterprise and a Tribal Farming Enterprise to develop the land and agriculture of the reservation and help the tribes learn better land management techniques.

The other reservation in Oregon is quite small. Only 225 Indians live on the Burns Paiute Reservation, governed by a tribal council of five persons elected to three-year terms by the tribe. Moreover, about 30 Indians live in Celilo Village on 30 acres of tribal land. Although thought by some to be on a fourth reservation, the tribe remaining there is not organized as a governmental entity.

The Bureau of Indian Affairs reports that education is one of the major concerns of Indian tribes, many families having fears and doubts about the value of present educational opportunities for their children. In 1969 a U.S. Senate subcommittee reported that Indians attending some public schools in Oregon have a dropout rate of between 50 and 80 percent, depending upon the geographical location of tribal groups. The average for all Indians in Oregon approaches 75 percent, and those graduating between 1956 and 1965 actually showed regression in grade point average in comparison with non-Indians.

According to the subcommittee report, the number of suicides and alcoholics among the native population has greatly increased and termination of the Klamath Reservation has led to extreme social disorganization of that tribal group. The subcommittee's summary of its findings is included here to indicate problems faced by Oregon state and local governments, and especially Oregon's school districts.

SUMMARY OF HISTORICAL FINDINGS ON INDIAN EDUCATION

Policy Failure. The dominant policy of the federal government towards the American Indian has been one of coercive assimilation. The policy has resulted in:

(1) The destruction and disorganization of Indian communities and individuals.
(2) A desperately severe and self-perpetuating cycle of poverty for most Indians.
(3) The growth of a large, ineffective, and self-perpetuating bureaucracy which retards the elimination of Indian poverty.
(4) A waste of federal appropriations.

National Attitudes. The coercive assimilation policy has had a strong negative influence on national attitudes. It has resulted in:

(1) A nation that is massively uninformed and misinformed about the American Indian, and his past and present.
(2) Prejudice, racial intolerance, and discrimination towards Indians far more widespread and serious than generally recognized.

Education Failure. The coercive assimilation policy has had disastrous effects on the education of Indian children. It has resulted in:

(1) The classroom and the school becoming a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.
(2) Schools which fail to understand or adapt to, and in fact often denigrate, cultural differences.
(3) Schools which blame their own failures on the Indian student and reinforce his defensiveness.
(4) Schools which fail to recognize the importance and validity of the Indian community. The community and child retaliate by treating the school as an alien institution.
(5) A dismal record of absenteeism, dropouts, negative self-image, low achievement, and, ultimately, academic failure for many Indian children.
(6) A perpetuation of the cycle of poverty which undermines the success of all other federal programs.

Causes of the Policy Failure. The coercive assimilation policy has two primary historical roots:

(1) A continuous desire to exploit, and expropriate, Indian land and physical resources.
(2) A self-righteous intolerance of tribal communities and cultural differences.

Indian Education: A National Tragedy–A National Challenge, Report of the Special Subcommittee on Indian Education, the Committee on Labor and Public Welfare, U. S. Senate (Washington: U. S. Government Printing Office, 1969).

PROBLEMS OF CHILDREN, YOUTH AND SENIOR CITIZENS

Child Welfare Needs. Oregon is concerned for its children. Despite that concern, problems must be faced. Services are sometimes uncoordinated, inadequately financed and unevenly distributed. Supportive services (e.g., homemaker or family counseling) which could help children remain at home are inadequate. Day care facilities are needed.

Adoption agencies have difficulty finding homes for children who come from minority races, who are older, or who have physical or mental handicaps. Many such children are denied the security of a loving home because families who want them cannot afford to adopt them. Other children neglected or abandoned, picked up by the police, or discovered by neighbors, need emergency shelter care or foster care, but state funds are not always available.

Oregon's child health program is basically sound, but shortages of trained personnel are acute. Too few public health nurses, for example, are employed throughout the state.

Classroom services for trainable mentally retarded or developmentally disabled children are improving; still, more needs to be done.

Oregon's juvenile courts formally handled over 11,500 cases in 1975, and perhaps nearly four times that many informally. Their jurisdiction extends to persons under 18 who have offended the law, are beyond their parents' control, display dangerous behavior, are runaways, or who are dependent, abandoned, neglected or abused. Only six of Oregon's 36 counties (Multnomah, Marion, Lane, Jackson, Klamath and Umatilla) have juvenile detention homes, so many juveniles must be held in jail. Washington County has a "home," but it is merely the third floor of the jail. Two of these counties (Marion and Umatilla) do, however, serve as regional centers offering contract services to a total of six other counties.

Young Adults and the Aged. The problems of another minority have also taken on new and more difficult dimensions. The aged in Oregon are a growing force. The state is increasingly attractive to older people, and their overall numbers swell.

The tendency of the aged to cluster together takes on special political meaning as they face the problems of inflation, steadily rising taxes, and rising costs of many services they need. To their problems are added those of that group of people in the last ten years before retirement. They see what lies ahead and tend to identify closely with problems and difficulties of those who are retired.

The aged, often poor in health and wealth, tend to increase welfare loads, crowd nursing homes, hospitals, and other public facilities, and add to the dilemma of state and local financing. Demands for services for the aged can only expand. Yet the aged, together with other blocks of voters, increasingly cast their votes against rising governmental costs.

To all these social problems must be added those of young adults, youth, and a broad category of people often called the disenchanted or the disaffected who view government with suspicion. Youth and young adults may continually be better educated and more mobile. They may be proponents of a new politics characterized by concern for foreign policy issues, environmental quality, more and better education, and institutional change to remove many social and economic disparities.

Thus, Oregonians may expect large and growing blocks of voters substantially negative, nurtured and strengthened by bitterness and frustration. It may also have blocks substantially positive, looking for ways to rectify old wrongs and problems. Such groups may increasingly come into conflict and present difficult challenges for the makers of public policy.

COPING WITH POVERTY THROUGH WELFARE

The present welfare system dates at least to the 1930's when perhaps a third of the nation was thought ill-housed, ill-clothed, and ill-fed. Since the Social Security Act of 1935 provided federal grants to states to help pay for assistance to needy individuals, public welfare in Oregon has been financed with both state and federal funds. Until 1969, Oregon counties shared in the expenditures; then the state assumed the counties' share. Currently the federal government matches certain Oregon public assistance expenditures based on formulas varying up to 100 percent of the administrative costs.

Historically, public assistance has taken the form of aid to individuals whose needs could be related to categories, e.g., aged (65 and older), blind, disabled, and dependent children. Beginning in 1974, the federal Supplemental Security Income (SSI) program partially replaced the state programs of aid to the aged, blind, or disabled. The intent was to establish a single uniform system nationwide.

The federal SSI payment standards, however, are lower than Oregon's welfare standards for adults. The SSI program itself is only a cash maintenance program. It has no provision for payment for special needs, special diets, or the many services necessary to maintain the aged, blind, or disabled in their own homes or in the community. Oregon welfare meets these needs through the Oregon Supplemental Income Program (OSIP) which provides a monthly cash supplement to those who receive SSI. Oregon Public Welfare Division continues to administer the Title XIX program of medical assistance for the aged, blind, or disabled, and in addition provides a full range of adult services and special needs payments including major home repairs, moving costs (under certain conditions), home delivered meals, corrective shoes, repair or replacement of household equipment and furniture, medical diets, transportation, and payments for housekeepers and homemakers.

In addition to OSIP, welfare in Oregon meets a broad range of basic needs through Aid to Dependent Children (ADC), Emergency Assistance, and General Assistance programs. Oregon has no program of assistance to cover single, employable persons or childless, employable couples.

Oregon's ADC program ranks about 11th highest in the nation with respect to the largest payment that can be made to a family of four to cover basic needs. As of July 1975 the level of maximum payment to a family of four was $418, or a yearly total of $5,016.

Often, as the subject of welfare has both political and emotional overtones, a state's ADC program is mistakenly evaluated in terms of its maximum money payment alone. This is done by comparing the yearly total of public assistance with the federal government's estimate of the poverty level for the working poor. Clearly, any meaningful attempt to assess the standard of living of an ADC family must be based on consideration of all benefits received from all other programs for which the family qualifies.

The Food Stamp Program has replaced food distribution programs in all Oregon counties. This program of the Food and Nutrition Service of the U.S. Department of Agriculture is administered by Oregon Public Welfare Division. All public assistance households are considered eligible to participate in the program. Certification for nonpublic assistance households takes place through local welfare offices, and food stamps are purchased in local post offices, except in Multnomah, Lane and Coos counties where purchased through county operated sales offices. Certification for food stamps is determined by total household income and is based on need rather than categorical eligibility. The program is available to all needy persons, including families headed by working men. Nationally, food stamps go to some 13 million persons a year–about one in every 16 Americans.

Public Welfare Division also administers the Title XIX program of medical assistance. Medical care and prescription drugs are available to welfare recipients without charge through the doctor and pharmacy of their choice. Beginning in 1974, medical benefits through welfare have included preventive medicine. Under Medicheck, dependent children under 21 are given early and periodic screening to assess physical and mental health, including physical growth, development, nutritional and immunization status. Periodic screenings are followed by diagnosis (if treatable condition or disease is indicated) and treatment to prevent, correct, or alleviate the physical or mental problem.

In addition to the benefits from these programs, the ADC family may participate in other programs such as low-cost or subsidized housing programs or the WIC (Women, Infants and Children) nutrition supplement program without any loss of assistance or food stamp benefits. Moreover, earnings may supplement basic assistance grants. Welfare mothers or fathers working outside the home for some part of the year may disregard the first $30 and one-third of the remainder of gross earnings in computing the grant. Basic work expenses, including transportation and child care are also allowed, as are mandatory payroll deductions, before the earnings are used to reduce the need for public assistance. Earnings of children attending school are not taken into consideration in determining the amount of assistance paid.

HUMAN RESOURCE PROGRAMS: THE SOCIAL SERVICES

State government's social services are programs aimed at specific people and their social problems. Social services are designed to protect, rehabilitate, care for, or hold in custody those who cannot without assistance cope with the demands of society. Such programs are increasingly being viewed as related functions in themselves distinguishable from other major state activities such as regulating or promoting economic activity, managing and developing state resources, or providing services and facilities for general public convenience.

Social services include programs of employment and manpower training, vocational rehabilitation, welfare, civil rights, mental health, corrections, and various services to the deaf and blind. Each of these programs deals directly with people and their social problems. Some are presently organized as separate departments under the Governor. Others are under the supervision of the Bureau of Labor or independent boards and commissions.

Education is not included because it has been governed and operated in a distinctive way over a long period of time and traditionally has been considered a large and unique element of government activity by itself. Programs concerned with public health, employment standards, industrial safety, and injury compensation also have a relation to the social services, but are primarily regulatory or compensatory, rather than direct service.

Evolving Role of the Social Services. Most social service agencies originally were created as separate agencies of government to perform distinct, ongoing, day-to-day functions, not to grasp and solve emerging social problems together. Ideas about what service programs can and must do, however, are radically changing. With federal money feeding such programs, a sense of urgency and rising expectations encourage each to respond . . . but separately.

An employment service was established to perform the separate routine function of matching employees with employers. Now more than half of its resources are directed toward solving the job and training problems of the disadvantaged.

Vocational Rehabilitation was established to provide personalized employment and training services and counseling for the physically handicapped and for mentally handicapped persons not institutionalized. The program also addresses itself to the psychologically handicapped, who may include released prisoners, released mental patients, and drug and alcohol addicts who have been through treatment.

Welfare was established to perform the distinct, routine function of providing minimum living allowances and care for persons dependent upon the community. Now the program engages in major rehabilitation efforts to help people get off welfare and gain independence, through counseling, education and training.

State Community Services administers federal grant programs to mobilize human and financial resources of the state to combat poverty. Services include identifying problems and concerns of the disadvantaged, developing active involvement of leaders from a variety of publics to seek solutions, and providing technical assistance to agencies and programs dealing with poverty.

Corrections originally emphasized the job of keeping criminal offenders in custody, in order to punish them and protect society. Now the corrections system is engaged in a vast program of treatment and rehabilitation, and is looking at early detection and prevention methods for reducing criminal offenses.

The mental health program was established to coordinate activities at five state hospitals treating mental illness and mental retardation.* Now the goal is to promote mental health and reduce the negative consequences of mental or emotional disturbances, mental retardation and other developmental disabilities, and alcoholism and drug abuse. Not many years ago, the mentally ill and mentally retarded had little to look forward to other than a lifetime commitment to distant institutions. The outlook for persons having problems with alcohol or drugs was even more grim. For them, the future held little more promise than a succession of jail terms. No matter what the affliction, prevailing negative social attitudes and limited state and local resources dictated that these people be removed from society—that they be "put away." Today, the outlook is far brighter. Through the development of new treatment procedures and enlightened public support, a broad range of services is available to those in need, and increasingly in local communities.

The Department of Human Resources. Faced with mounting social concerns and limited funding, the 1971 legislature sought a new way to bring order to the fragmented human services programs. It created the Department of Human Resources to consist of existing social service agencies and two new ones. Health and Children's Services were added to Welfare, Employment, Mental Health, Corrections, and Vocational Rehabilitation to consolidate, coordinate and enable individuals in need to achieve the highest level of independence their capabilities would allow.

The assignment given the new Department was enormous. It was asked to change more than 100 years of tradition in a brief span of time. It was to unclutter the complexity of human programs creating difficulty for the state. In short, it was to do four basic things.

First, the Department was to provide programs that would prevent people from becoming dependent, becoming ill, disabled, or otherwise in need of government social services.

Second, when people do become dependent, the Department must provide services to restore that person to independence.

Third, if the Department is unable to restore a person to self-sufficiency, it is to provide an adequate and decent standard of living, such as for the elderly to live their retirement years in dignity.

Fourth, the Department is to provide leadership and administration of all the programs.

To provide these services, the legislature dedicated more than 25 percent of the employees of state government to work on the problems of the mentally and socially handicapped, and committed more than $600 million each year to fund some 250 programs to benefit one in every four Oregonians.

LAW ENFORCEMENT

People who read newspapers need little reminder of the issues of law enforcement. Many of the serious domestic problems of American life—race relations, juvenile delinquency, strikes, protest marches—have involved tensions between law enforcement officials and other citizens. These problems are likely to continue and even grow in coming decades.

Some citizens have come to the defense of police and "law and order" after observing rising crime rates, growing disrespect for law and police, demonstrations of civil disobedience, and outbreaks of civil disorder and riots. Other citizens complain that police lack appreciation for the Constitution and violate individual rights of privacy and protest. They charge that police are unable to relate to minorities, youth or the poor; are poorly trained, poorly educated and insensitive.

Behind such debate, one fact stands out and may be agreed upon by both sides. Police performance needs to be improved. The role of the police may have to be a new one more appropriate to modern life, one combining roles of constitutional lawyer, sociologist, public relations person and highly trained enforcement official. Upgrading the quality of local law enforcement officials has been the thrust of recent federal and state government action in response to law enforcement problems.

The State's Role in Law Enforcement. Responsibility for criminal law enforcement in America traditionally has been in the hands of local officials. City and county police are

*Hospitals treating mental or emotional disturbances: Dammasch State Hospital in Wilsonville, Eastern Oregon Hospital and Training Center in Pendleton, and Oregon State Hospital in Salem. Treatment and training for mentally retarded and developmentally disabled persons: Columbia Park Hospital and Training Center in The Dalles, Eastern Oregon Hospital and Training Center in Pendleton, and Fairview Hospital and Training Center in Salem.

responsible for apprehending criminals; local district attorneys in each county prosecute criminal cases.

Nowhere in government, except perhaps in education, is there greater public consensus for keeping a function under local control than in law enforcement. State interference in local law enforcement is suspect, and federal interference elicits nightmares of a totalitarian national police force. Except for a small number of crimes designated as interstate and under the jurisdiction of the federal government, the FBI is limited to investigating and to assisting local police in their efforts. The State Police in Oregon generally confines itself to highway patrol and enforcement of fish and game laws, unless called in by local police officers on criminal matters.

Because criminal law enforcement is a local matter, some insistent problems inevitably flow from the fragmented, uneven nature of a locally controlled function. Multitudes of small police forces operate within the small jurisdiction of their own cities or counties. Cooperation of these units usually is informal and often inadequate. Great variations exist in quality, experience and training of police officers among jurisdictions, with many officers in rural and small-town areas poorly trained and poorly paid.

Although crime does not recognize jurisdictional lines, government does. Oregonians therefore are left with hundreds of small, fragmented local police jurisdictions, and with a great reluctance on the part of state government to force coordination or a binding set of state standards on local police units. Faced with domestic problems associated with the issues of law enforcement, however, both federal and state governments have had no alternative but to assist local governments in improving the qualifications of their police officers, to encourage local coordination and to provide needed central services. Federal and state efforts on behalf of law enforcement doubtless will be in the direction of assuming more active leadership roles in upgrading local government police units, improving central services (such as crime laboratories and criminal identification systems) and providing training for local police.

The federal role basically is to provide money and insist upon coordination in its use. The state's role is to set standards for local police, provide central services and training, and to dispense federal and state funds to local police units so as to improve interunit coordination. In addition, the state takes on the broader function of clarifying relationships between law enforcement and social aspects of crime control, and developing a coordinated program involving both types of agencies and both levels of government.

The State Police, in addition to serving as state government's law enforcement agency, provides crime laboratory and identification services to local governments, train local police officers, and assist local police in major disorders or emergencies at the request of local officials.

The Board of Police Standards and Training, created to advise and recommend minimum standards and training requirements for newly hired local police officers in all but the smallest jurisdictions, now has authority to set qualifications and training standards. The Board represents state and local law enforcement officials, local government officials and private citizens, although its focus is limited to setting standards for law enforcement officials.

The Law Enforcement Council. The Law Enforcement Council is the supervisory and policy body for guiding criminal justice staff and districts. It rules on proposed plans, projects and programs; establishes goals and priorities; and develops recommendations for improving the state's criminal justice system.

The lack of police services in some rural, small town and newly incorporated suburban areas of the state is as serious a problem as is the low quality of existing police services in other areas. The state might assist in providing more law enforcement personnel to these areas by using its authority to enforce standards locally, by deploying State Police to perform local law enforcement on a contract basis, by encouraging small political subdivisions to contract with larger adjacent local jurisdictions for police services, or perhaps even by directly contributing state financial aid.

The state's role in upgrading local police quality can involve setting higher qualification standards; broadening present standards of coverage to include small jurisdictions now excluded; providing broader and deeper state training services for local jurisdiction to use voluntarily; establishing compulsory state-sponsored training for all local police officers through a State Police Academy or similar institution; or, ultimately, even directly allocating federal and state funds to local police units for salary increases, locally conducted training efforts, or local purchase of equipment and supporting services.

The Law Enforcement Council stands with broad perspective over the issues of law enforcement. It is organized to provide a grasp of the interrelations between the social causes of crime and the tough challenges of law enforcement. It studies, plans and develops programs that hopefully can bridge the gap between those who demand law and order at the expense of justice, and those who demand justice at the expense of law and order.

THE ISSUES OF CRIMINAL JUSTICE

In 1970, for the first time in Oregon's history, a group of 45 professionals from the four major disciplines of the criminal justice system met to explore the malfunctioning of the system and to try to establish some priorities which would bring about changes. The purpose would be to determine how the four disciplines–police, judiciary, prosecuting attorneys, and corrections administrators–could work together more successfully toward crime prevention, the protection of society, and rehabilitation of offenders.

The workshop, sponsored by the Jackson Foundation and Portland Community College, resulted in agreement on the following list of

priorities for improving Oregon's total criminal justice system. They are listed here to provide an overview of the issues with which Oregon citizens will be involved in the coming decade.

(1) Provide noncriminal alternatives to all segments of the criminal justice system, and support a redefinition of crimes so as to remove certain types of problems from the system, such as minor traffic offenses, the chronic alcoholic, the drug user, etc.
(2) Improve communications between the courts, corrections system, district attorneys and police.
(3) Allow fingerprinting of juveniles.
(4) Promote citizen awareness of the criminal justice system, and involve the field of education, beginning at the elementary level, to help bring about this awareness.
(5) Authorize prosecution by information as an alternative to grand jury indictment.
(6) Eliminate bail as a matter of right, and authorize the courts to have discretion on the question of bail on appeal.
(7) Unify the court system by establishing a one-level system of trial courts instead of the present two- and three-level system.

OREGON'S CRIMINAL CODE

Oregon has been part of a major nationwide criminal law reform movement, as evidenced by passage of a Criminal Code in 1971, the product of three years of concerted effort by the Oregon Criminal Law Revision Commission. The new code encompasses departures from previous law that range from minor modifications to major policy changes. Among these departures, the new code (effective January 1972) provides that teachers may use reasonable force to maintain order. It defines criminal trespass and empowers school authorities to order persons misusing school premises to leave or be arrested for trespassing. It repeals prohibition of minors smoking in public. It clarifies the definition of loitering and prohibits loitering in or near school buildings or grounds. Among the more polemic changes the commission recommended were the abolition of criminal penalties for adultery, lewd cohabitation, seduction and private consensual homosexual conduct between adults; the approval of reasonable mistake as to the female's age as a defense to statutory rape; the repeal of the *M'Naghten Rule* as a test for legal insanity and adoption of the Model Penal Code's somewhat broader definition; a new concept of criminal assault which requires the intentional or reckless infliction of actual physical injury on another; and abrogation of degrees of murder.

Two other significant policy changes involved gambling and obscenity. The sections on gambling focused on the professional, exploitative kind of conduct but did not prohibit the "friendly social game." The obscenity sections make no attempt at controlling material that is dispensed to or consumed by adults, but do try to define carefully the legal limits of permissible materials for minors or public displays of nudity or sex for advertising purposes.

Under provisions of Section I Article IV of the Oregon Constitution, however, a referendum petition was subsequently filed with the Secretary of State. On 5 November 1974, Measure 13 passed 393,743 to 352,958, making it a crime to conduct live sex shows, distribute obscene material or provide sexual contact for a fee.

The 1975 Legislative Assembly then passed a bill to exempt school, museum and public library employees from prosecution for violating the so-called obscenity measure.

But probably the most notable aspects of the new code, and a major concern of the Commission, were the grading and sentencing provisions which employ an offense classification system. Each offense, excepting the noncriminal "violation," is classified as a felony or misdemeanor under an A, B, C format, according to the seriousness of the crime. The grading and classification of offenses was the final step in the drafting of the specific crimes to ensure that differences in their gravity were appropriately considered and that similar penalties would attach for similar offenses.

The code contains 181 *fewer* crimes than the previous law. Of the 181 deleted, 34 would be repealed outright with no comparable statute reenacted, and the other 147 crimes would be covered by new, comparable provisions eliminating needless distinctions and redundant sections by consolidating similar offenses.

Substantive changes in the proposed code were set forth in a new format designed to present the provisions as clearly and simply as possible. Everyday language is used wherever possible, and terms intended to have fixed legal meanings are fully defined. The liberal use of definitions in each article permits a shorter and less complicated statement of the elements comprising each statutory offense. Finally, the code does not contain procedural provisions.

THE COURTS OF OREGON

The Oregon Constitution authorizes a Supreme Court and "such other courts as may from time to time be created by law." The law provides rules by which society governs itself in two ways: to settle disputes between citizens and to prosecute offenses against the public. The origins of both our civil and criminal law are found in the English and American common law, consisting of the stream of court decisions defining the rights and duties of individuals in their relationships with others and with the sovereign. Alongside this body of common law has evolved a separate system of statutory enactments.

All courts of the Oregon state court system except the Oregon Tax Court administer both civil and criminal law. Neither municipal courts nor administrative tribunals are an integrated part of the Oregon judicial system, although appeals from their decisions may be brought in the appropriate state court. The civil law has developed both from case law and statutory sources, while the basic criminal law in Oregon is entirely statutory.

Crimes are divided into two categories: felonies, where the penalty provided may be a penitentiary sentence of one year or more, and misdemeanors, where the possible sentence is only a fine, time in the local jail or otherwise less than for felonies. Minor infractions, such as offenses against certain city ordinances and most traffic violations,

usually are not designated as crimes. A person charged with a crime may, prior to trial, either be released on his or her own recognizance or held pending the posting of security to ensure his or her appearance.

Appeals may generally be made from decisions of justice of the peace courts, municipal courts and some administrative tribunals to the circuit court for retrial or examination of the record. Appeals may be taken from final orders in circuit court and in some cases from administrative agencies and, commencing January 1977, from district courts to the Court of Appeals and in some civil cases to the Supreme Court. Generally, actions at law can be appealed to the Court of Appeals or the Supreme Court only on questions of law, such as an alleged erroneous ruling by the trial judge. In equity cases the appellate court can make different findings of fact from the record. Criminal convictions may be appealed by the defendant and certain rulings in criminal cases may be appealed by the prosecution on limited grounds. Trial court decisions may be affirmed, reversed or modified. Some reversed cases are remanded to the lower court for a new trial.

The Oregon Constitution directs that all state judges be elected to serve for six-year terms and that judges shall retire at the end of the calendar year in which they reach 75 years of age. The legislature is empowered by the Oregon Constitution to establish a lower retirement age not under 70 years, but has not done so. Incompetency, corruption, malfeasance or delinquency in office are grounds for removal. Involuntary retirement of judges for physical or mental incapacity may be accomplished by a proceeding before a special commission. A judge may voluntarily retire for similar reasons.

A Commission on Judicial Fitness investigates complaints from any person concerning the conduct of a judge. The Commission may hold hearings and make recommendations to the Supreme Court regarding such complaint. If a judge is found to be unfit, the Supreme Court may censure, suspend or remove him or her from office.

The Supreme Court. The Oregon Supreme Court with seven justices is the highest court in the state, exercising jurisdiction over cases appealed to it from the circuit court and having original jurisdiction in mandamus, quo warranto and habeas corpus. If a question or dispute arises as to which appellate court shall hear an appeal, the Supreme Court shall summarily determine whether it or the Court of Appeals shall hear the case. The Supreme Court has exclusive appellate jurisdiction in cases involving real property, contracts, torts, appeals from the Tax Court, and all other appeals from circuit courts except those in which the Court of Appeals has jurisdiction. The Supreme Court may consent to hear an appeal from the Court of Appeals. The question is put to the Supreme Court by a Petition for Review.

Oregon law confers on the Supreme Court general administrative authority and supervision over the courts of the state. It may make rules and orders in aid of this power, but cannot make rules of procedure. The Court's administrative and supervisory functions are exercised for the Court by the Chief Justice through the State Court Administrator.

The Court of Appeals. The Court of Appeals with six judges is the second highest court in the state. It has exclusive jurisdiction over cases appealed from the circuit court in criminal, post-conviction, habeas corpus and extradition matters; probate; domestic relations; adoptions and juvenile matters; appeals from government agencies, except for cases tried in the Tax Court as stated previously. A case heard in the Court of Appeals may be considered for review by the Supreme Court upon petition.

The Oregon Tax Court. The Oregon Tax Court is a court of statewide jurisdiction with headquarters in the State Library Building in Salem. Court is usually held in Salem, but it frequently sits in the county where the taxpayer in the case resides or where the property in question is located. No juries are involved and the procedure is the same as in equity cases.

The judge of the court is elected on a statewide basis, and the court has the same powers as the circuit courts, except it hears and has exclusive jurisdiction of state cases involving personal income taxes, corporate excise and income taxes, timber taxes, real and personal property taxes, and inheritance and gift taxes. The statutes also provide for two divisions of the court, the regular division and the small claims division. No other type of case is heard in the Tax Court.

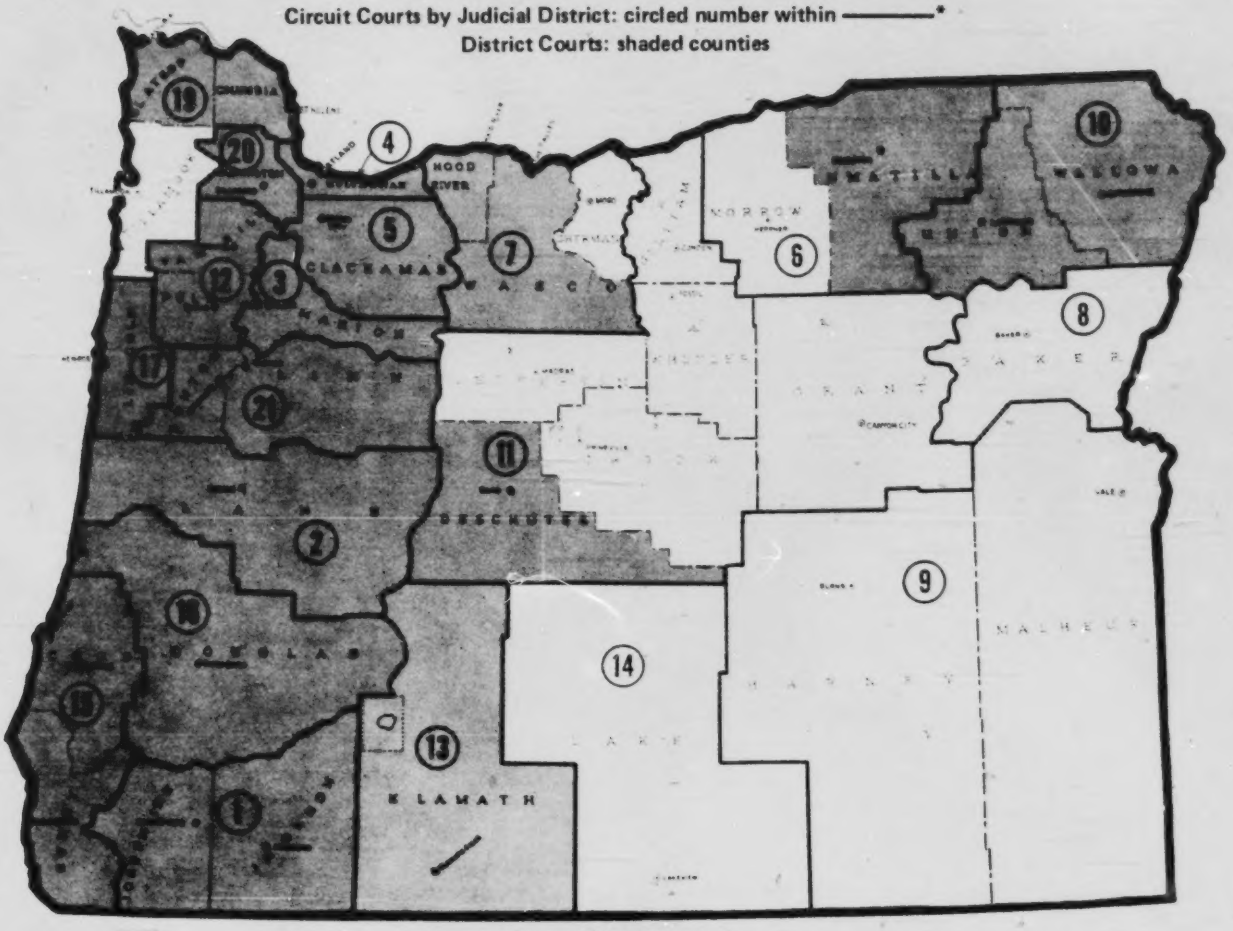
Circuit Courts. The circuit courts are the state trial courts of general jurisdiction. The 70 (as of April 1977) circuit judges in Oregon are deployed in 20 judicial districts. The busiest district is Multnomah County with 18 judges. The least busy is Lake County with one judge. That judge serves extensively in other districts. Circuit courts have unlimited monetary jurisdiction in civil matters and hear both law and equity cases. Felony cases are tried only in circuit courts, although arraignments and preliminary hearings in felony cases are conducted in the district courts.

Circuit judges have probate jurisdiction in all but six counties and juvenile jurisdiction in all but eight counties. Circuit judges are frequently assigned to other judicial districts by the Supreme Court. The Multnomah and Marion county districts have separate domestic relations departments, and Multnomah County has a separate probate department. Proceedings in the circuit court are reported by court reporters who prepare written transcripts of trials for appellate purposes.

District Courts. The 24 counties with district courts have 48 judges. Jurisdiction is limited to $3,000 (as of January 1977) in civil cases and to misdemeanors (including all traffic) and criminal jurisdiction over crimes punishable by fines up to $3,000 and imprisonment of one year or less. District courts also hear small claims cases where the parties appear without lawyers. In addition, the district judges conduct preliminary hearings in felony matters, which may result in binding over the accused to the grand jury for a possible circuit court trial.

OREGON CIRCUIT AND DISTRICT COURT BOUNDARIES

Circuit Courts by Judicial District: circled number within ———*
District Courts: shaded counties



DISTRICT COURT SHADING AS OF 1-1-76

*Where is (18)? In July 1967, (18) (Crook, Deschutes, Jefferson) was dropped, and its three counties joined (11) (then Gilliam, Grant, Sherman, Wheeler). Sherman then moved into (7); the six counties remaining became (11).

District courts have the following numbers of judges: Multnomah, 12; Marion, three; Clackamas, two; Lane, five; Jackson, two; Washington, three; Douglas, two; Coos, two; Josephine, two; Klamath, two. The other district courts have one judge each. Each district court serves a single county, except for a new court created in 1975 whose judicial district includes both Union and Wallowa counties.

Justice Courts. The justice of the peace, remnant of territorial days when each precinct of the state was entitled to a "JP" court, presides over a court with limited civil ($1,000), small claims ($500) and criminal (traffic and some misdemeanors) jurisdiction. Justice courts, like district courts, may not try the title to real property.

Justice courts still exist in only 45 (as of January 1977) communities in Oregon. County commissioners have the power to establish and abolish justice court district boundaries. Only a few of the justices of the peace in Oregon are lawyers. Justices of the peace are not members of the Judical Conference described hereafter.

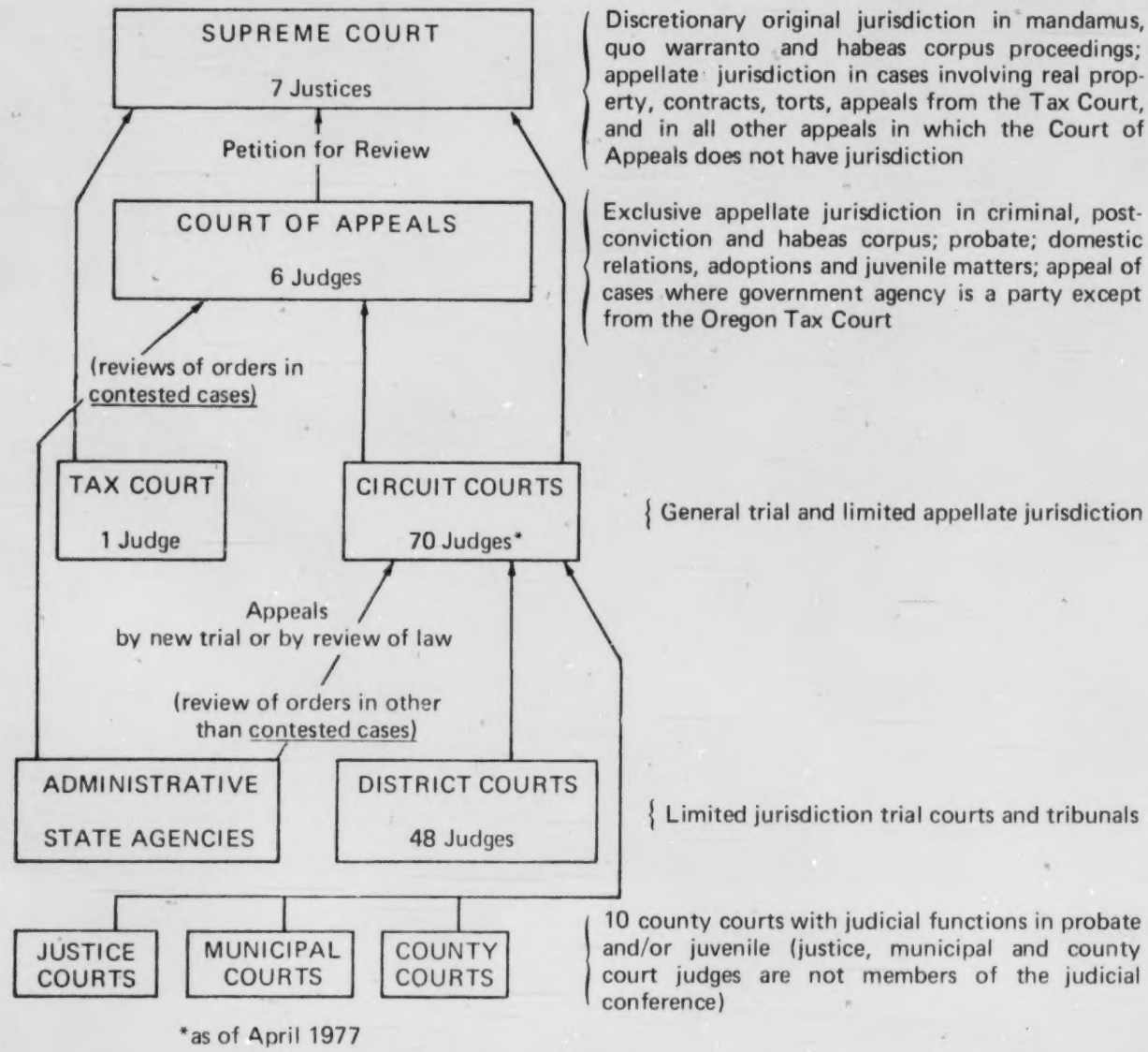
Municipal Courts. Each city in Oregon, except Portland, has a municipal court, authorized under the home rule charter of the municipality but controlled in some procedural aspects by state law.

The procedure, formality and status of these courts vary greatly. Many small cities combine the functions of municipal judge with those of recorder, treasurer or other official in one person. Few municipal judges are elected. Most are appointed by the common council. Only a relative few have legal backgrounds. Only one municipal court, Salem, has a full-time judge.

The primary function of municipal courts is to hear and decide cases involving city ordinance violations, which are variously classed as criminal or civil matters, and carry minor penalties. Salaries and duties of municipal judges are determined by the municipality. Cities are required to select juries according to circuit court procedure. Municipal court judges are not members of the Judicial Conference.

Judicial Conference. There was formerly a Judicial Council in Oregon, but it was dissolved by the 1971 legislature. Its task had been to study the judicial system and make recommendations for legislative improvements. The Judicial Conference is an organization created by statute consisting of all the state appellate, tax, circuit and district judges. Its purpose is to study and recommend changes in the state's judicial system and to conduct educational programs and workshops for the judges. After the Judicial Council was abolished, the Judicial Conference became more active in study of the system and in making recommendations for changes. Most of the research, discussion and work of the Conference is accomplished by its 14 standing committees.

THE COURTS OF OREGON


SUPREME COURT
7 Justices
Petition for Review
COURT OF APPEALS
6 Judges
(reviews of orders in contested cases)
TAX COURT
1 Judge
CIRCUIT COURTS
70 Judges*
Appeals by new trial or by review of law
(review of orders in other than contested cases)
ADMINISTRATIVE STATE AGENCIES
DISTRICT COURTS
48 Judges
JUSTICE COURTS
MUNICIPAL COURTS
COUNTY COURTS
Discretionary original jurisdiction in mandamus, quo warranto and habeas corpus proceedings; appellate jurisdiction in cases involving real property, contracts, torts, appeals from the Tax Court, and in all other appeals in which the Court of Appeals does not have jurisdiction
Exclusive appellate jurisdiction in criminal, post-conviction and habeas corpus; probate; domestic relations, adoptions and juvenile matters; appeal of cases where government agency is a party except from the Oregon Tax Court
General trial and limited appellate jurisdiction
Limited jurisdiction trial courts and tribunals
10 county courts with judicial functions in probate and/or juvenile (justice, municipal and county court judges are not members of the judicial conference)

*as of April 1977

State Court Administrator. The State Court Administrator is responsible to the two appellate courts for the administrative processing of cases on appeal; publishing decisions of the appellate courts; administering records, dockets, facilities, personnel and fiscal matters; and other aspects of appellate court administration. The Administrator also assists the Supreme Court with bar examinations and admissions of new attorneys, maintains the Supreme Court roster of attorneys, assists in disciplinary matters and performs other liaison with the Board of Governors and the bar committee. The Administrator is also responsible for preparing and administering the budget for the two appellate courts and for those costs of the trial courts that are paid by the state, which are primarily the salaries and travel expenses of the judges.

Another and separate role of the State Court Administrator is assistant to the Chief Justice and the Supreme Court in supervising the state court system in Oregon. This part of the Administrator's job is primarily a service to the trial courts and trial judges. Pursuant to instructions from the Chief Justice, the Administrator arranges for assignment of trial judges to other jurisdictions and for appointment of pro tempore judges as needed. The Administrator also manages the statistical reporting system for all courts in the state, represents the courts on numerous boards and committees at both state and national level, and secures federal grants for new, innovative court development projects.

Another major responsibility is serving as Executive Secretary to the Oregon Judicial Conference. In such position the State Court Administrator is responsible for planning and coordinating the annual meeting of the Conference, supplying the staff and otherwise working with the Conference committees throughout the year and coordinating the several judicial education, public relations and other programs of the Conference.

Minor Court Rules Committee. The Minor Court Rules Committee plays an important part in the administration of the lower courts. It recommends a bail schedule for traffic, boating, and game and fish law violations and recommends rules for the conduct of cases involving such offenses. It consists of 13 members appointed jointly by the Chief Justice, the Governor, the Oregon State Bar, and the statutes (which name seven representatives of various agencies).

THE NEED FOR LOCAL PUBLIC DEFENDERS

Increased volume of judicial business if all indigents (whether accused of a felony or misdemeanor) were provided counsel at public expense, burdens upon the local bar if it were to provide such counsel, burdens upon counties and municipalities if they were required to reimburse counsel for such services, and quality of the defense which would be afforded the accused are all considerations which have led to recommendations for appointing local public defenders throughout the state.

One public defender could be appointed for each judicial district with authority to appoint as many assistants as justified by statistics on the ratio of crimes to population. In the more populous districts the local public defender would have a full-time job; in the more remote areas, a part-time job. The local public defender could be appointed by and responsible to a Public Defender Committee to insulate him or her from potential influences. From a list nominated by the presiding circuit judge in the area to be served, the appointment would be for a four-year term renewable at the pleasure of the committee, the appointee to be removed for cause only.

Furthermore, the local public defender would represent indigent defendants at all stages of the criminal proceedings, including retrial, except direct appeal to the Oregon Supreme Court. (The state public defender would continue his or her representation on the Supreme Court level and in post-conviction proceedings.) He or she would be a state officer with funds appropriated by the legislature and the county or municipality involved, and would have the authority to appoint as many investigators as needed.

Finally, courts would have the latitude of appointing local counsel if the situation warrants it and courts would not be limited to the exclusive use of the local public defender.

improving education

Education has traditionally been considered a separate and unique element of government activity in this country. The Supreme Court of the United States in 1954 (Brown v. Board of Education) recognized that

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society.... It is the very foundation of good citizenship.... In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Making educational opportunities available to all in Oregon on equal terms by means of "a uniform and general system of common schools" has likewise historically meant facing problems. Each school year brings new questions . . . and old ones. Reduced to one, they equal: *How? How* can government–federal, state or local–assure equal education opportunities?

As one effort to deal with new or emerging problems confronting public school education since 1969, Gallup education polls have been conducted to help alert school officials to public reaction to programs and policies and to serve as a national benchmark against which local attitudes

may be measured. Respondents have been asked each year to cite the most important problems of the public schools in their own communities.

In six of the seven surveys, including 1975, the problem most frequently mentioned has been "lack of discipline." Approximately one person in four names discipline as the most important problem.

"Crime" (vandalism, stealing, etc.) reached the top ten for the first time in 1975, ranking eighth. "Drinking" (use of alcohol) was mentioned by enough respondents to establish a new category, although it did not make the top ten.

Findings in 1975 compared with those in 1969 (the first survey) brought to light a significant drop in the number who said "lack of proper facilities" is a major problem in their local schools.

Below, in order of mentions, is the top ten–problems of the public schools as a sample of how the public saw them in 1975:

1. Lack of discipline
2. Integration/segregation/busing
3. Lack of proper financial support
4. Difficulty of getting "good" teachers
5. Size of school/classes
6. Use of drugs
7. Poor curriculum
8. Crime/vandalism/stealing
9. Lack of proper facilities
10. Pupils' lack of interest

What are Oregonians doing to meet some of these and other problems?

EQUALIZING OPPORTUNITY AND RESPONSIBILITY

Discipline. As a result of Oregon law the Department of Education has prepared and distributed to all public schools minimum standards for pupil conduct and discipline, and public school districts are directed by the law to adopt rules of pupil conduct and discipline which comply with these minimum standards.

Oregon Administrative Rules the State Board of Education adopted in 1972 are accompanied by model codes which not only suggest student rights in each area (e.g., dress and grooming, motor vehicles) but also suggest expected student responsibilities which relate to those rights.

Integration/Segregation. Although problems associated with the eradication of racial isolation are not as critical in Oregon as in many other states, the related problem of providing equal education for all children is one schools must deal with. At one time, providing equal opportunity meant treating all students alike in terms of how and what they were expected to learn. Thus, standardized curricula, textbooks, tests and teaching techniques became a way of life in most public schools. With universal education, however, came gradual recognition that there are perhaps as many ways to learn as there are learners; that equal opportunity can be provided only through differing opportunities designed to meet differing needs of students; that to limit opportunities for "formal" or organized learning to one context–traditional classroom teaching–is to limit the future for those who cannot profit from this type of instruction. Alternative programs now have become ways to ends.

Equalizing School Support. One fundamental cause of inequities existing in educational opportunities is the traditional concept of local control. The primary source of income for financing schools is local property tax. Each district determines how much it will spend on its schools.

The amount of property evaluation (true cash value) per student based on 1974-75 Oregon Department of Education data varies from a low of $24,038.20 to a high of $943,639.00. Even with application of state and, in most cases, county equalization programs, the tax vote for K-12 programs varies from a low of $4.04 per $1,000 to a high of $28.42 per $1,000. Thus, someone with a $20,000 home would pay a property tax for the K-12 program from a low in one district of $80.80 to a high in another district of $568.40.

The amount of money districts spend for the education of their students varies from a low of $763.06 per student to a high of $5,489.00. A more valid comparison may be seen in those districts with over 1,000 students. In this category the lowest expenditure per student is $945.96 and the highest is $1,560.08.

Legislative attempts in 1973 to equalize the school tax burden through a system of statewide financing failed at the polls. The legislature, however, has been successful in raising the level of state financing from approximately 17 percent to 30 percent.

Within the last few years suits have been brought in six states–Illinois, Michigan, California, Oklahoma, Texas and Virginia–aimed at requiring states to siphon some tax revenues from wealthier areas into poorer schools. Parents of seven Chicago school children challenged the constitutionality of Illinois' system of financing education primarily from real estate taxes. They contended that money spent per child in the poorer Chicago districts was less than three-fourths the amount spent in districts with higher property values, this despite an attempt by the state to compensate poor school districts with money from the state treasury. The U.S. Supreme Court ruled, however, that it would be almost impossible for courts to work out a formula to make all state schools roughly equal in quality, except by requiring an equal amount of money be spent on each child. Therefore, the matter was referred back to state legislatures as a policymaking problem.

The truly significant considerations in education are what and how students learn. Unfortunately, these concerns are overshadowed today by the problems of finance and

management of school districts and community colleges. School finance is perhaps simultaneously the number one educational and financial problem confronting the state. It is becoming increasingly difficult for Oregon school districts to secure voter approval of operating levies. Figures for the 1974-75 school year show that 319 school districts held a total of 413 budget elections:

250 budgets passed on first vote
45 budgets passed on second vote
19 budgets passed on third vote
3 budgets passed on fourth vote

By September 1975, 22 Oregon school districts lacked budgets because they could not get voter approval for that part of their budget exceeding the six percent limitation.* In most Oregon districts this is a substantial part if not most of their budget.

Curriculum and Developing Programs. Reading continues to be a primary concern of the Oregon public, the State Board of Education and the State Superintendent of Public Instruction. Some 18.5 million American adults, it has been reported, have only marginal reading skills, while some 30,000 who actually have high school diplomas are described as functional illiterates–reading at the fifth-grade level or less.

In Oregon the average verbal score on the Scholastic Aptitude Test has decreased 18 points between 1969 and 1973. A statewide reading assessment found comprehension and application skills lower than vocabulary skills. Reading specialists analyzing these results agreed that the number of students answering each test item correctly was unsatisfactory. Statewide assessment also indicated that of approximately 6,150 fourth graders needing special reading help, 1,450 were not receiving correction or remedial reading assistance. Only 95 out of 231 or 41 percent of Oregon's high schools have developmental reading programs. Yet, according to the 1970 census, over 26,000 Oregon adults over 25 have had less than five years of schooling. Many of these need reading instruction.

To help meet these challenges, all school districts are preparing written plans for improving reading instruction in their districts. Moreover, Oregon was selected in 1973 as a participant in the national "Right to Read" effort. Among other activities, this program encourages public support for reading instruction, provides training for local reading specialists and assists Right to Read districts. The primary goal is to insure that, by 1980, 99 percent of all youth and 90 percent of adults will be able to read well enough to enjoy a full and productive life.

At the same time, another instructional priority of the State Board of Education has been to expand career education. Highly academic public school education whose secondary program has aimed primarily to prepare youth for college entrance is becoming more comprehensive and providing relevant instruction for all students regardless of their life career goals. Elementary schools are participating in this effort by helping students become aware of occupations and careers in the world of work.

To prepare for roles as consumers, individuals are also to acquire knowledge and develop skills in managing personal finance, learning ways to provide for themselves and to meet obligations. Need for such instruction has become more critical during recent years because of the pressures of modern-day life–increasingly complex economy, technology and government legislation. Financial problems of young adults have been magnified. The age of financial responsibility is lower. Goods and services to establish households cost more. Going on to school costs more–be it public or proprietary. People marry younger. Oregon's high bankruptcy ratio becomes another concern, particularly when almost 50 percent of the bankrupts are age 29 or below. These and other financial indicators suggest *all* students need to receive planned instruction to enable them to cope with financial concerns related to their life roles as consumers.

Early childhood education is similarly getting attention statewide. Local district boards may now elect to have district operated kindergartens and collect basic school support money for kindergarten students. They may also elect to sponsor nursery schools for children between the ages of two and six, but financing for these must come from grants, gifts and fees, not from taxes.

Emphasizing citizenship (the Fourth "R"–Responsibility) has taken shape. For example, *Government in Oregon* itself was born of concern for students to acquire responsible attitudes, knowledge and skills relating to government, especially at state and local levels. New graduation standards require all students to have instruction in citizenship education, an intent to have students learn about structures and functions of government–school district, city, county, state and national.

Providing educational opportunities for learners with unique educational needs has taken new directions as results of legislative changes. For example, revised school attendance laws now require school districts to assume responsibility for educating all students regardless of their physical or mental states.

A major change in Oregon curriculum is also well underway as schools change from the customary system to the metric system. The State Textbook Commission has adopted new criteria for selecting mathematics textbooks. Concurrently, the State Board of Education has resolved that the metric system will be completely phased into the public schools by 1983.

44

*See p. 56 for explanation.

OREGON'S EDUCATIONAL PRIORITIES

The State Board of Education is legally responsible for deciding where the state's resources of people, time and money should be directed to accomplish maximum individual student development. Affected are more than a half million young people in the state's elementary and secondary schools and community colleges.

Recognizing their responsibility, this Board adopted priority objectives and began to work on statements in each priority area to indicate both the nature of the major problems facing Oregon education and the manner in which the Board proposes to solve these problems. School districts have been asked to develop similar statements, identifying problems in their local systems and their proposals for solving them.

Moreover, to meet federal requirements that each state assess its needs to qualify for funds under the Elementary and Secondary Education Act of 1965, the Board conducted a survey to determine the most critical needs of Oregon students. Federal guidelines specified that needs be identified in terms of learners rather than in terms of institutional requirements (classrooms, teachers, buses, etc.). That is, what do learners need to learn? Or, what should they be learning?

That survey (including interviews with taxpayers, educators, students and dropouts, and a questionnaire which sampled opinions of 800 Oregon residents) identified 27 learner needs. For example, respondents thought students needed to develop behaviors indicative of self-discipline and respect for authority, to have available job-related vocational classes, and to learn how to communicate effectively with others. These needs, in turn, are to be met under an umbrella of statewide goals for schooling prepared after public meetings held around the state. Goals are in terms of six life roles: the learner, the individual, the producer, the citizen, the consumer and the family member.

HIGHER EDUCATION'S MAJOR CHALLENGES

The long inflationary spiral that has gripped the United States recently has triggered a wave of new questions and concerns for higher education administrators. Based on the unhappy prospect that it may linger for some time as an economic fact of life, the State System of Higher Education is seeking answers to several "probables" that could have strong impact on management decisions. How will it handle rapidly rising costs, for example? Although projections indicate enrollments may level off in the 1980's, will inflation continue to increase disproportionally the operating costs?

What will happen to tuition rates? Will they continue to rise? The student share of the operating budget–presently 27.5 percent–is set biennially by the legislature. Historically this share, which determines the tuition level, has varied between 25 and 30 percent. In the long run, the public will have to decide how much it will pay and how much the student will pay.

How will higher education maintain programs and public services? If inflation continues to depress the dollar, will more severe pressures be placed on the State System's efforts to maintain quality academic programs and public services that directly benefit the people of Oregon?

Other important questions also face higher education. What effect will collective bargaining have, for instance? Will it change the traditional relationship of collegiality that has existed between the teaching faculty and the administrative faculty? And what of federal support? Will the federal government develop a long-range plan for financing student loans and other assistance programs?

The questions face all Oregonians. The answers are yet to come.

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AN ORDERLY PROCEDURE OF SELF-TAXATION SUPPORTS GOVERNMENT.

The term "self-taxation" expresses a concept that people agree to tax themselves to provide needed services. Services of government enjoyed by its citizens collectively are paid for by its citizens collectively. Yet, for all the democratic procedures designed to ensure that people can know about and participate in the process of self-taxation, raising and allocating revenue remains one of the least understood aspects of government.

Thus one of the most important aims of public education must be to give each new generation a working knowledge of at least the basic principles and philosophies of economics and taxation. An informed citizenry is especially critical, for example, if popular referendum is initiated on any revenue measure before it becomes law (in Oregon's history, few legislative tax proposals have escaped a referendum). Or, when a majority of people begin to feel incapable of comprehending and shaping economics and politics or revenue collection and allocation, special lobbies to influence legislative decisions may increase.

Moreover, finding acceptable new ways to collect and allocate revenue is essential to the development of effective programs for protecting human and environmental resources in the decades ahead. (In recent years, every proposal to make significant changes in Oregon's imperfect tax structure has been defeated at the polls.)

defining the issues at stake

When legislatures, city councils, county commissioners, or school boards meet, one of their most important functions is to provide an arena for the resolution of group conflicts and the expression of public grievances. Because it is in these arenas that solutions (good or bad) to society's problems are forged, it is important to understand at least three basic issues that pervade virtually every problem at every level of government. These issues relate to our basic philosophy of government, namely, that government exists chiefly to promote the rights and interests of its citizens.

To fulfill this obligation, citizens and their policymaking bodies at every level of government must judge each problem and proposal for government action in terms of (1) individual or minority rights vs. society's welfare as defined by the majority; (2) private vs. public services—whether the wants and needs of people should be satisfied by the private or public sector; (3) centralization vs. decentralization—whether programs should be administered and taxes collected at the local, regional, state or federal level.

Briefly exploring some basic arguments that surround these issues and complicate governmental decision making can perhaps increase understanding of their importance.

MINORITY vs. MAJORITY RIGHTS

Our constitutions and courts provide a comforting bulwark against unusual invasion of individual rights and freedoms by governments at all levels. Public attachment to fundamental rights may exist on a rather superficial level, however, and many groups over the years have even challenged the right of a chief justice to remain in office because of court espousal of individual or minority rights. It is often evident that the character of public debate on issues raised by the Bill of Rights has been marked by an almost total lack of communication between those with opposing views. This lack poses a challenge for education. How may awareness, sensitivity, and interest concerning basic rights promulgated in our Constitution be increased so that future voters and policymakers will be able to recognize the disparities between general support of American ideals of "freedom and justice for all" and the way these ideals are implemented in practice?

The most obvious place to look for disparity between ideals and practice is in the marketplace, where the government provides services and collects revenues. Questions must be asked. Who benefits from government expenditures for services? Who pays for government expenditures? How is the tax burden distributed? How does the government mediate the various and unequal distribution of property in our free enterprise system?

Similar questions may have been on James Madison's mind when he wrote in 1787:

> Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering

interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government. [No. X, *The Federalist*]

PRIVATE vs. PUBLIC SERVICES

Closely related to the problem of individual vs. majority interests is the question of whether private or public sectors of our economy should provide services.

In the private sector the consumer has freedom of choice. He can choose whether he wishes to purchase or not purchase goods or services. Most governmental services, however, involve an element of compulsion. Once the government supplies such services, all individuals are compelled to share cost through taxation.

From an economic viewpoint, some argue that many government expenditures are unnecessary or too large and thus waste the nation's resources. Others argue that, while the country has plenty of private consumer goods, it has not enough services which can best be supplied by government.

From a political viewpoint, one side contends the public sector has usurped functions and responsibilities better left to the individual business firm, the family, and other private institutions. The other side counters that the present range of choices before the people is too narrow to pose any grand ideological issues.

Still another dimension to the problem may be considered. A case could be made for increasing employment through financing more community services, from kindergarten classes to housing to bicycle paths.

True, private services may decrease as government-provided services increase. It could be argued as well, however, that additional government purchases may decrease expenditures outside the community which create employment for other areas. Or, such purchases may improve levels of government services to attract prospective employers. Or, they may increase the community's tax base through expanded payrolls arising from government services.

In short, greater freedom for services to move from the public to the private economy and from the private to the public economy may be the most advantageous. Rail passenger service, for example, has moved into the public economy and technical education into the private economy. Financing priorities set without regard to whether services will be performed in the private or public sector may result in a better standard of living.

Sharing functions is another alternative, one growing in popularity. For example, until a few years ago, health care programs were largely provided by the private sector. More recently, with medicare and medicaid the government is assisting with the job; and all signs point to the government becoming even more influential in certain areas.

Some goods and services are moving into the public sector, regardless of philosophical arguments for or against the growth of government.

As crowding increases, for example, the dangers to health and safety increase. Infectious or contagious diseases are more widespread, crime rates go up, and the need for health and police and correctional services increases. Extensive housing developments create the need to build and maintain highways, streets and sidewalks, which, in turn, generates a need for related services, including traffic control, street lighting, park projects, etc.

In rural areas, each home has a septic tank. In more populous areas, sewage systems must be built and maintained. Farmers and residents of small rural communities can bury their own garbage and refuse. As populations increase, however, public systems for garbage collection and disposal must be developed.

Technological changes and urbanization have created economic and social displacements beyond the control of individuals; and, as a result, communities have been compelled to assume increased responsibility for the aged and infirm, emotionally disturbed, mentally retarded, juvenile delinquents, and the poor.

Increased use of mass production techniques, growth of corporate enterprise and absentee ownership of merchandise outlets have all contributed to the growing need for consumer protection services. And, as more and more jobs require higher levels of education and training, the demand for government-subsidized community colleges and four-year institutions increases.

CENTRALIZATION vs. DECENTRALIZATION

Local control, as opposed to greater centralization of power and responsibilities at state and federal levels, is another issue, often emotional. It colors efforts to find solutions to contemporary problems. Public sentiment in recent years has shifted.

From dissatisfaction with "layer cake" federalism (national government performs certain functions; state and local, others) and state governments' seeming inability to meet urban needs emerged a "marble cake" concept (national, state, and local levels share functions). Then came widespread belief that only national action was sufficient to meet challenges of poverty, civil rights, and urban decay. Most recently followed, in turn, discontent with "marble cake" federalism and increased hope that state and local governments could make the decisions necessary to pursue public domestic goals.

And throughout all the shifting sentiment, doubts have been widely expressed as to the adequacy of any traditional government organization, structure, or process to cope with the intensifying problems of urbanization, technological explosion, and social and racial tension.

STATE GOVERNMENT EXPENDITURES–ALL FUNDS
(millions)

PRIORITY	1969-71 Estimated
1. Education	$704
2. Econ Dev & Consumer Serv	545
3. Human Resources	502
4. Transportation	350
5. Natural Resources	48
6. Property Tax Relief	43
7. Admin & Support Serv	38
8. Public Safety	30
9. Judicial	7
10. Legislative	6

PRIORITY	1971-73 Recommended
1. Education	$750
2. Human Resources	638
3. Econ Dev & Consumer Serv	628
4. Transportation	419
5. Natural Resources	143
6. Salary & Fringe Ben	62
7. Property Tax Relief	58
8. Public Safety	56
9. Admin & Support Serv	46
10. Legislative	10
11. Judicial	8
12. Bldg Safety Improvements	2

PRIORITY	1975-77 Recommended
1. Econ Dev & Consumer Serv	$1,478
2. Education	1,226
3. Human Resources	1,204
4. Transportation	507
5. Economic Stimulation	219
6. Natural Resources	164
7. Salary Adj & Employee Ben	149
8. Public Safety	85
9. Admin & Support Serv	64
10. Legislative	12
11. Judicial	12
12. Emergency Fund	8
13. Miscellaneous	4

resource allocation: a matter of priorities

How does government hold the line on costs, yet improve programs to keep pace with needs of an urbanizing Oregon society?

With extreme difficulty . . . if at all.

EXPENDITURES REVEAL CURRENT PRIORITIES

State Government Expenditures. State government budgets expenditures for two years at a time; local and school district governments budget for one year at a time. Table 1 above indicates in a general way what priorities were assigned to programs at the state level in the 1969-71 biennium, how that demand changed in estimates for the 1971-73 biennium, and again for the 1975-77 biennium.

Comparisons in Table I are somewhat misleading, however, in that they describe historical as well as current priorities. Many of the amounts shown include expenditures of earmarked funds (called "other funds" or "Non-General Fund Revenues") which are not appropriated at the discretion of the legislature. The services substantially supported by non-general fund revenues include: transportation-oriented programs (e.g., highway construction, motor vehicle licensing and control, marine and aeronautics planning and regulation); economic development and consumer services (e.g., employment, public employee retirement, workmen's compensation, and the regulation of public utilities, banking, and corporations); and some natural resource functions (e.g., forestry, game).

It is "General Fund Revenues" which may be appropriated for any public purposes at the discretion of the legislature, and competition for general fund resources is keen because each significant budgetary decision regarding the priority of a particular program requires collateral adjustment of some other program.

Programs for which the general fund is a major source of financial support include: education (e.g., higher education, community colleges, basic school support); human resources (e.g., public welfare, corrections, public health, mental health); legislative and judicial functions; and administrative and support services (general governmental administration).

Local Government Expenditures. More than 53 percent of all money spent by local governments in Oregon (counties, cities, school districts and special service districts) was spent on education in fiscal year 1973-74. Another 14 percent went for general expenditures. Together these two came to $1.05 billion, with $686 million going for education and $187 million for general expenditures. Local governments spent $100 million (eight percent) on highways.

Other local government expenditures included police and fire protection, $96 million (seven percent); sewage and sanitation, $60 million (five percent); health care and hospitals, $38 million (three percent); general control, $40 million (three percent); parks and recreation, $27 million (two percent); financial administration, $27 million (two percent); and interest on general debts, $30 million (two percent).

PROJECTING FUTURE NEEDS AND COSTS

Effects of Inflation and Population Growth. State and local government spending in Oregon has been growing rapidly,

as have government expenditures throughout the nation. General expenditures in Oregon totaled $700 million in 1959 and by 1969 had reached $1.27 billion; 1975-77 expenditures are expected to reach over $5 billion.

It is apparent that while services have expanded somewhat during these years, the changing spending levels have been caused for the most part by circumstances clearly beyond the control of state and local government. Of particular importance has been the impact of inflationary price trends and population growth on the cost of services generally. It has been estimated that these two factors have been responsible for upwards of 70 percent increases in per capita costs for services in the last decade. Prices for government purchases of goods and services have been some 50 percent higher. The value of state and local public construction in the United States has increased over 100 percent. State and local government employment in Oregon has perhaps doubled while at the same time payrolls have perhaps tripled.

History has demonstrated that over a period of time the services offered by government change in character or importance either because people demand or fail to demand specific services directly, or because their activities lead to conditions and problems for which there is some logic or precedent for government to become involved through the establishment of new programs.

Six broad areas of need presently compete for funds. They are summarized below.

Planning and Renewal Needs. Added burdens are placed on public officials and additional staff is required to cope with the growing complexity of urban areas and with programs to provide adequate solutions to urban problems. A number of federal grant programs require local investment in planning; and in some Oregon areas, councils of government have been established in an effort to coordinate urban development.

Low-density suburban development, commercial strips, and leap-frogging residential patterns, which make up the typical developmental patterns of urban areas in Oregon during recent years, all add to the public cost without increasing the quality of services. Further, the growth of many outlying suburban areas has been haphazard and poorly planned. As a result some are already showing signs of early deterioration which will lead to the need for added public investment and new procedures to correct past mistakes as well as prevent future ones. In many of these outlying areas, street systems lack uniformity; sewer systems are needed as are provisions for school and park sites; public safety standards are below those of the central city; and existing land use does not conform to acceptable standards. As these areas become incorporated into the cities, major expenditures are required to bring them up to accepted standards. How these costs should be distributed remains a major fiscal hurdle.

In addition, much urban obsolescence is caused by age, growth and technological developments. The city hall or library built to serve a population of 10,000 cannot efficiently serve a population of 50,000. Oregon airports built during World War II can no longer effectively serve current air traffic.

Environmental Control and Natural Resources. Millions of dollars must be spent for cities to satisfy regulations affecting water pollution. Absolute limits have been set on the amount of pollutants that cities can discharge into Oregon rivers and streams. Consequently, as sewage volume increases with population and industrial growth, Oregon cities must plan for additional higher quality treatment of sewage in order to comply with state water quality standards.

The air pollution control program is resulting in growing demands for policing operations at the local level and for technical work in that field.

Protection and management of natural resources must be improved. More effective controls over air pollution must be found, for example, perhaps through requiring vehicle tune-up and inspection, regulating traffic in population centers, requiring discharge permits for air contaminants, and removing statutory exemptions on burning. Or, the bonding authority may be implemented to combat pollution by removing the $50 million restriction; making funds available for other pollution control needs (particularly solid waste); providing for a capital construction loan fund to local governments and to metropolitan service districts for incinerators, tank farms to recycle our oils and chemicals, and shredders and compactors for garbage conversion and recycling plants. Or, state bonding authority may need to be expanded to fund all water development.

Statewide interest and emphasis on conserving natural resources has occurred as the result of conflicts between the expanding population and industry in or near recreational areas. The Oregon beach bills and the Willamette Greenway project are manifestations of efforts to resolve these conflicts, and they require considerable government expenditure.

Highway and Mass Transit Needs. The automobile deserves special mention in any discussion regarding factors affecting government expenditures. In 1970, it was estimated that improvements during the next 20 years in Oregon would total about $4.4 billion, excluding administration and maintenance costs and costs for expanding residential streets. This amounts to nearly $220 million a year and compares with $128 million spent for this purpose in 1966.

State and local government spending for transportation, mainly highways, has been high since World War II. Total transportation expenditures increased over 100 percent in the 1960's. Growing numbers and greater use of motor vehicles and increasing construction and maintenance costs of highways have created the major expansions in transportation outlays. The number of registered autos, trucks, and buses grew by 47 percent in ten years in Oregon; and the miles traveled per vehicle have also continued to increase. The overall costs of state and local highways in Oregon

increased 55 percent in ten years, even though a peak in state expenditures was reached in the mid-1960's as a result of the Interstate Highway building program.

The total annual cost to road users in Oregon is nearly 300 million dollars. This is money spent to construct, maintain, and operate all highway systems and streets in the state and includes federal funds.

The state's 1.8 million registered vehicles (passenger autos, buses, trailers, and recreational vehicles) also create additional costs for such things as parking facilities, police, court operations, hospital operations, and so forth.

Planning, construction, and operation of new forms of mass transportation will require new revenue sources, probably mostly federal. But in weighing the matter of finding funds for new mass transportation systems, Oregonians will have to consider the costs of not developing them—perhaps, say, even more crowded roads or greater numbers of human casualties on the highways. Truckers, farmers, traveling sales representatives, and others who need high-speed highways also need to recognize perhaps a time when they may be stalled in long, frustrating lines of traffic with legal highway speeds squeezed down to 35 miles per hour or less. On the other hand, high costs of meeting projected highway needs may result in carved-up landscapes, and parking structure cities; spiralling costs for highway safety programs, auto liability and collision insurance, and for land for more ramps, lanes and cloverleafs; and losses to community property tax rolls for vast acreages that will have to be put under tar and concrete.

Despite disadvantages, Oregonians may realize that planning and developing new and different systems of mass transportation may be less costly in the long run, far more conservative of the basic environmental quality of Oregon, and most constructive in terms of the future.

Public Welfare. Little reliance can be placed on any public welfare projections computed by any means. State and local public welfare expenditures are dependent upon many highly volatile, somewhat immeasurable factors such as population growth, family income, use of institutions, federal programs, employment trends, and general economic conditions. Therefore, any projection, including the following, must be under continuous examination if it is to be useful in setting policy.

Based on increasing numbers of recipients and higher payments per recipient, welfare expenditures are projected to increase annually at near eight percent each year. In the past, the average annual increase was 7.1 percent.

Increases in welfare expenditures have accompanied rising income levels, inflation and a greater awareness of the problems of persons in need who have not been able to share in the improvement in living conditions.

The latest revised welfare budget for the 1975-77 biennium was approximately $578 million, or nearly $289 million per year.

While public expenditures for the elderly population are not confined to the social welfare sector, the growing proportion of the population in the elderly age group does have an impact on this sector as well as on public housing, hospital facilities, mass transit costs, recreation facilities, community centers, libraries, and so forth. The proportion of persons 65 and over in Oregon is appreciably above that of the United States and projections indicate continued growth.

Despite increasing numbers of elderly persons, the number of recipients of state old age assistance in Oregon has been declining due to growth of federal support, especially social security and medical assistance. The number of recipients of other welfare aid in Oregon has been increasing. In any given month nearly 77,000 children are given aid. In an average month over 155,000 people are helped in this program at an annual cost of over $130 million.

Education. Expenditures for elementary and secondary education are estimated to reach $672 million for fiscal year 1975-76. This would represent an increase of 322.6 percent from the year 1960-61. Actual and projected costs per pupil in elementary and secondary schools are as follows:

GROWTH OF PER PUPIL COSTS ELEMENTARY AND SECONDARY SCHOOLS

1960-61	$427.63
1961-62	455.51
1962-63	470.68
1963-64	493.84
1964-65	510.00
1965-66	550.38
1966-67	594.84
1967-68	641.59
1968-69	715.09
1969-70	787.15
1970-71	858.00
1971-72	911.59
1972-73	989.88
1973-74	1,096.98
1974-75 (estimated)	1,296.47
1975-76 (estimated)	1,479.58

Although growth of enrollments has declined, there has not been corresponding decline in per pupil costs because of inflation. Enrollments increased at an annual rate of 2.5 percent from 1960 to 1969 and reached a peak in 1971-72; since that time, they have decreased slightly each year, a trend projected to continue through 1979-80.

Cost projections are difficult because of unknown influences from economics and future enrollments. Specific age group estimates within the projection of population are even less reliable than the population estimate as a whole. Birth rates have been falling over the last several years, but this trend may not continue. If the trend does continue,

and if it is not balanced by in-migration, projections of decreased growth in school enrollments will be realized.

Similarly, projections are guesswork for community college enrollments and expenditures. Looking back, however, may provide some foundations for such guesswork. Headcount enrollments in Oregon's community colleges between 1963-64 and 1973-74 increased over eightfold, from 19,286 to 161,477. During this decade, approximately *four* headcount equaled *one* full-time equivalent student (that is, roughly 921,000 people actually taking one or more credit hours equaled *on paper* roughly 228,500 people had they taken full-time course loads). Costs meanwhile nearly doubled for each full-time equivalent student, from $694 to $1325.

Expenditures for higher education are also projected to increase. Enrollments may peak in 1981-82, then taper off; but expenditures may continue to increase, primarily as results of inflation and, perhaps, legislative or institutional decisions. In 1965-66, 42,268 was the headcount enrollment for both lower and upper division and graduate level. For 1975-76, headcount enrollment was 62,656. Projections for 1981-82 are near 65,300 (without legislative limits) or near 62,000 (with limits); by 1985-86, perhaps declines to near 61,000 and 60,400 respectively. Expenditures for each full-time equivalent student in 1963-64 were $997; in 1973-74, $1811. Costs for 1985-86 . . .?

Public Safety. Expenditures for public safety amount to about 20 percent of the total in Oregon cities, and these costs tend to increase as the urban areas grow. Three-fourths of all expenditures for fire protection is made by Oregon cities, and a large part of the remainder is for fire protection in suburban areas outside of the cities. As cities grow outward, new substations are required in the outlying areas, and as they grow upwards, more expensive fire-fighting equipment is needed. At the present time, the statewide average cost for fire protection runs over $3 per thousand of assessed cash value.

Crime rates have increased as the nation has become urbanized, and the cost of law enforcement has mounted during this period. Oregon spent 94 percent more in 1968-69 than in 1958-59 for law enforcement ($33.1 million compared with $17.1 million). The number of known offenses increased by 220 percent during the same period. Spending for police protection is an important item. In 1974, the cost of police protection in Oregon ran over 71.5 million dollars ($33.1 million in 1968-69) and is going up rapidly. For example, the cost of police protection in 1968 in Salem was 1.3 million and reached nearly 2.69 million by 1974.

Changes are occurring in law enforcement and administration of justice in order to assure the preservation of the rights of individuals. As a result of Supreme Court decisions, the police must refine their techniques of gathering evidence and apprehending suspects. These decisions have also resulted in an increased emphasis on jury trials in some instances and on the assurances of legal counsel for indigents. Naturally, these changes have required increased local expenditures for training, personnel, and equipment. The need for new jail construction is great. Statistics on the life of Oregon jails aren't available, but if they are similar to those for the United States, approximately half are over 50 years old; 25 to 50 years is the normal life span.

current revenue

When people need products and services, they buy them. Food and other necessary household items are found in grocery stores and supermarkets. Autos, sporting goods, clothing, and books are purchased from other businesses; services such as dry cleaning, lawn care, or installation of a new roof are bought from still other businesses.

Sometimes these cannot be paid for with cash, because not enough money is available; but still the car, clothing, or service is necessary. In these cases, people "charge" a purchase and pay for it over a period of time. Most cars, houses, and large appliances are bought this way.

But if a home is robbed, and the police investigate, or if the house is on fire and the firemen extinguish the flames, people do not write a check or open their wallets to the public servants for doing their jobs. The public servants are paid, but not in the same way as people pay for other goods and services. Taxes are the way we pay for services provided by government agencies, including police and fire protection, schools, roads, prisons, welfare, libraries, and so on.

Each fall in Oregon, property owners receive a "bill" from local governments (city and county) for providing services in their areas, e.g., for police and fire protection, social service agencies, and road maintenance. Schools may be included on the bill as well as special services such as water delivery or sewage disposal.

This "bill" is called a property tax "statement" because it "states" where all the money is going and how much money is due. Renters don't receive a tax statement, but their landlords do. To continue in business, landlords must include taxes in the amount of money they charge in rent. So renters pay property taxes, too.

Taxes are a controversial subject. Not everyone enjoys paying them, and some people do not feel they are getting their money's worth. But some form of taxation has been around as long as there have been societies, because taxes are the means by which people pay for the important services they need or want. These services are too expensive to be financed by families or by private industry. The cost of extinguishing a house fire might run to several thousand dollars for the workers and equipment needed. A person who earns only $8,000 a year could not pay such a large amount, so the cost is shared among the people in the community, and even the people whose homes do not catch fire benefit from the service because the fire department keeps the flames from spreading.

Each year, from January 1 to April 15, people who earn income sweat over the calculations of their income taxes (or they pay a professional to figure the taxes for them). Both the state of Oregon and the federal government charge income taxes to pay for the services they provide. In Oregon, state income taxes support colleges, universities, social services like welfare and mental hospitals, state police and the operations of state government, including the legislature, executive agencies and the courts.

Property taxes are the major source of revenue for local governments in Oregon. The state government does not collect property taxes but relies heavily on individual and corporation income taxes to finance its services. Oregon does not have sales tax as do most other states; but it does collect a tax on sales of cigarettes and gasoline, and some local governments charge a tax on fees paid for hotels and motels. These are "selective" sales taxes. In fact, Oregon, Montana, Alaska, Delaware, and New Hampshire are the only states which do not have a general sales tax.

HISTORICAL PERSPECTIVE

Oregon's tax history parallels the history of its property tax. The first property taxes on the West Coast were collected in the Oregon Territory. Since then, problems with the property tax system have resulted in changes in Oregon's whole tax system.

Taxation of property was common in the early 1800s. Oregon established the first property tax on the West Coast in 1844. Payment was voluntary, however, and results were not very good, which is probably why Oregonians do not have voluntary payment of taxes now. The tax was levied only on merchandise brought into the territory for sale and on improvements or buildings on town lots. Other items taxed included mills, carriages, timepieces, and livestock. In 1844 the total value of all taxable property in Oregon was $218,000, and the taxes raised a "whopping" $456. Not enough to keep a fledgling territorial government moving!

But that was a lot better than the first taxes collected in the territory in 1843. Those taxes were paid by simply passing a hat, and voluntary contributions came to $81.50.

Voluntary payment of taxes was short-lived. In 1845 the territorial legislature moved to enforce taxation. People who refused to pay were disqualified from voting and forfeited any benefits from the Oregon laws. The laws would not defend the people's property rights unless they contributed to the support of the law through taxes.

Administration of taxation, in those early years, was very primitive, as was the territory's economy. There were not as many counties as now, and the counties collected taxes to pay for their services, as well as for services of the state government. But some counties did not collect any taxes and did not contribute to the finances of the state government.

Even when Oregon became a state in 1859, the tax administration system remained relatively primitive. The economy was mostly agricultural, and the sale of Oregon farm products was mostly to mining camps in Oregon and northern California. Property taxes provided the primary support of state and local governments.

Administration of property taxes varied widely among counties. Systems of valuing similar pieces of property varied among counties and the distribution of the tax load was inequitable. The legislature made several unsuccessful attempts to correct these wide variations until, finally, in 1909, it created a tax commission to supervise county operations and to assure equity in the state.

As time passed people learned that dependence upon the property tax alone to finance state and local government services was itself an inequity. To spread the tax load, suggestions were made for an income tax. The state constitution at the time, however, appeared to prohibit the implementation of an income tax. Voters amended the constitution in 1917 so that an income tax might be used.

Still, the income tax did not become a permanent part of Oregon's tax structure until 1929. An earlier income tax was around for one year before the people decided to vote it out. The permanent income tax was adopted under legislation entitled The Property Tax Relief Act of 1929, in itself a name identifying the property tax relief significance of the measure. A statewide vote delayed implementation until 1931 on income that was earned in 1930.

Money from the income tax was used to reduce the amount of money the state had to obtain from property taxes. Gradually, the income tax receipts grew, so that in 1938 no state property tax was needed. In 1940, a property tax was collected, but that was the last time property taxes were used for the operations of state government. Since then the property tax has been used solely for the support of local governments and schools in Oregon.

Rates of individual income tax have been revised several times to increase or decrease the amount of money raised. In the mid-1940s, the state began generating a surplus, and an initiative measure in 1946 set aside some of the state money for basic school support. This movement also was designed to help relieve the property tax burden created by demands from local school districts.

The Personal Income Tax Act of 1953 replaced the 1929 law and removed the requirement that income tax collections reduce state property tax levies. The state then began to use income taxes for direct support of the services it provided.

The Corporation Excise Tax Law was also approved in 1929 with the personal income tax, and it, too, was a property tax relief measure. The corporation excise tax was levied on corporations operating in Oregon for the privilege of doing business within the state. A companion measure, the Corporation Income Tax Law, was adopted in 1955 in order to collect taxes from some corporations which were operating in the state but not liable for the excise tax.

Oregon belatedly adopted a cigarette tax in 1966. Attempts at implementing a cigarette tax were rejected in 1942, 1947, 1952, and 1956, and when Oregon finally adopted a cigarette tax of 4 cents a pack in May 1966, it was one of only two states (the other was North Carolina) that did not have a tax on the sale of cigarettes. The cigarette tax was increased by the voters from 4 cents to 9 cents in February 1972.

INCOME TAX

The income tax in the United States and in Oregon is administered through a process of self-assessment. This means that those paying the tax participate in the calculation. It is different from the property tax where government representatives value the property, calculate the taxes, and then send statements to the taxpayers.

Another important principle of the income tax is "ability to pay." This principle is applied to income taxes in *progressive* tax rates. "Progressive" means that people with lower incomes pay a smaller percentage of that income in taxes, and people with higher incomes pay a higher percentage. This principle is based on the idea that lower income people must spend more income on essentials such as food, clothing and shelter, thus having less money to pay taxes. Higher income people have different spending habits, and the essentials for living require a smaller portion of their income, even though they may purchase more costly items.

Calculation of the Tax. Many people get very nervous as the April 15 income tax filing deadline nears. In Oregon, they must complete two income tax forms, one for the federal government and one for the state government. The forms may appear very complex. Many spaces must be filled in and much addition, subtraction, and multiplication may be required before calculating the amount of tax; but the process is relatively simple when a person understands the general method of calculating the tax.

When a person wants to find out how much total income he has, he adds up his *gross income* which includes wages, salaries, profits, dividends, interest, and some retirement benefits. Some income is not counted—social security, some retirement benefits, unemployment compensation, and welfare.

Personal exemptions are subtracted. This is an amount of money each taxpayer may subtract from gross income for each person dependent on the taxpayer's income. If a person is single, he has one personal exemption. A married couple counts as two personal exemptions. A married couple with two children has a total of four personal exemptions. Extra exemptions are allowed for people over age 65 and for people with certain handicaps.

Deductions are also subtracted. There are two kinds of deductions, standard and itemized. The *standard* deduction is a figure based on a percentage of a person's income and covers such items as property taxes, medical expenses, interest payments, and other costs that are essential to operating a household. There are two major advantages to using standard deductions. One is that records of expenses do not need to be kept, thus making the standard deduction very simple to use. The second is that a person may claim the full amount of the standard deduction based on income even though he or she may not have spent that amount of money on taxes, medical and dental expenses, and so on.

People whose expenses are greater than the standard deduction may *itemize* their deductions. They fill out a special form listing federal taxes, interest payments, medical and dental costs and other expenses. They add all of these to get a total and then subtract it from gross income.

After subtracting the personal exemptions and deductions from gross income, the taxpayer has figured *taxable income.* All that is required is to multiply the taxable income by the tax rate to get the tax owed.

All through the year *withholding tax* is subtracted from a worker's pay check. These are advance income tax payments made to the state and federal governments so the taxpayer does not have to pay a large amount of tax at the end of the year. Once the taxpayer has calculated the amount of tax, he then compares it with the amount paid through withholding. If the tax owed is larger than the amount withheld, the difference must be paid to the state or federal government. If the amount withheld is larger than the tax owed, the taxpayer files for a tax refund. The vast majority of taxpayers receive refunds each year.

The illustration on the next page depicts the steps to follow in calculating the amount of income tax.

Effective Tax Rate. In Oregon the percentage of taxable income paid in taxes ranges from four percent to ten percent as shown by the tax table below.

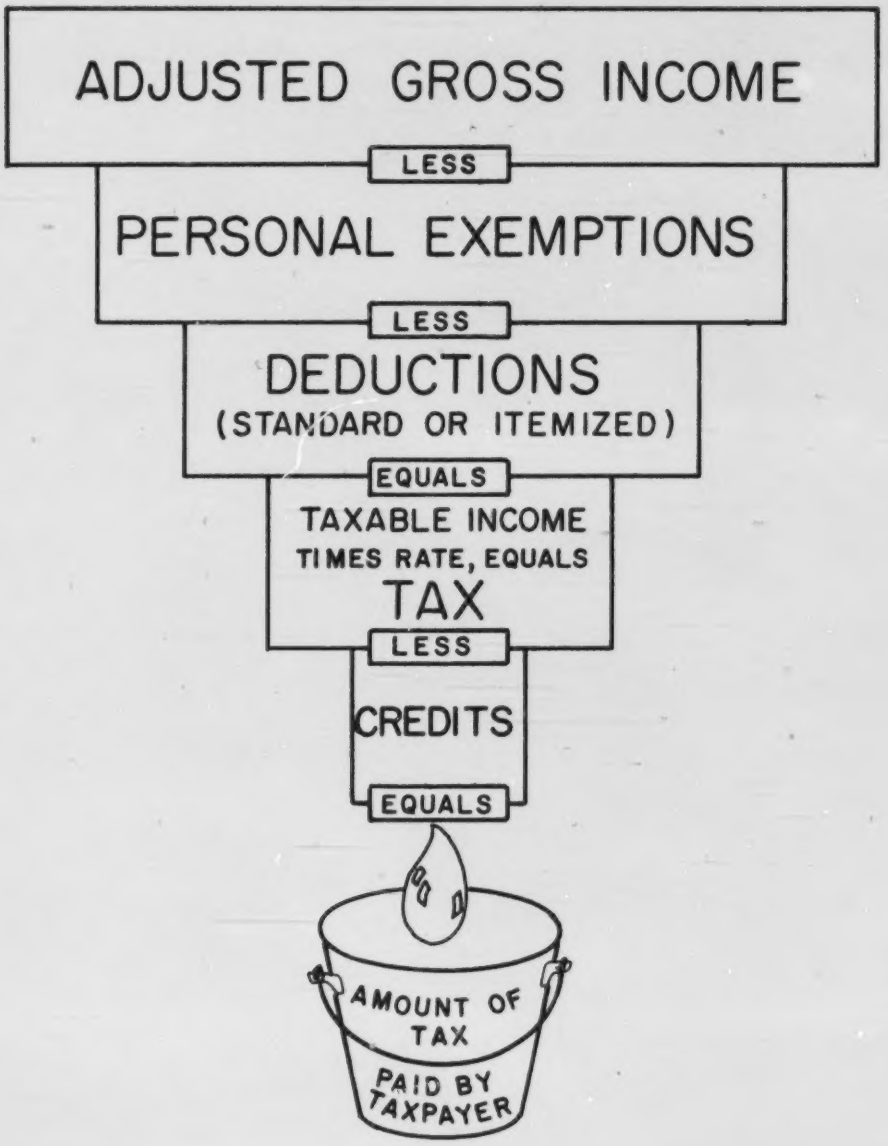
FOR SINGLE PERSON OR MARRIED PERSONS FILING SEPARATELY

If the taxable income is:		The tax is:		
Not over $500			4% of taxable income	
Over $ 500 but not over $1,000		$ 20	+ 5% of the amount over	$ 500
1,000	2,000	45	6%	1,000
2,000	3,000	105	7%	2,000
3,000	4,000	175	8%	3,000
4,000	5,000	255	9%	4,000
Over $5,000		$345	10%	$5,000

FOR MARRIED PERSONS FILING JOINTLY

If the taxable income is:		The tax is:		
Not over $1,000			4% of taxable income	
Over $1,000 but not over $	2,000	$ 40 +	5% of the amount over $	1,000
2,000	4,000	90	6%	2,000
4,000	6,000	210	7%	4,000
6,000	8,000	350	8%	6,000
8,000	10,000	510	9%	8,000
Over 10,000		690	10%	10,000

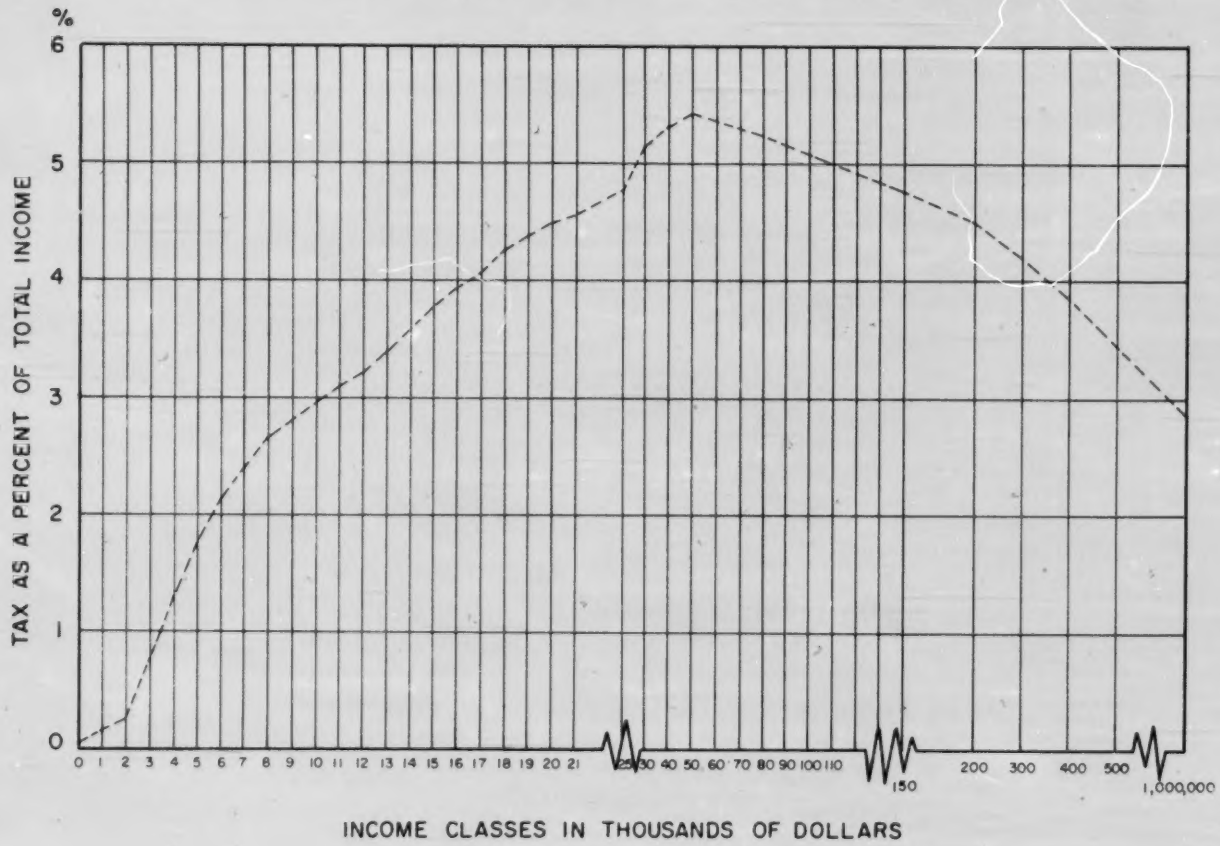
INCOME TAX FLOW CHART



These tables show that Oregon's tax rates are progressive. The higher percentages apply to higher incomes. But this doesn't give a complete picture of what happens to people who pay the tax. One way to fill in some of the blanks in Oregon's tax picture is to calculate the *effective tax rate.* This is done by dividing gross income into the amount of tax paid.

A graph of effective tax rates for various income levels looks like this:

EFFECTIVE TAX RATES BY INCOME CLASS



The effective tax rate increases as gross income increases to about $50,000; then it decreases. A person with $300,000 income pays about the same effective tax rate income taxes as a person with $18,000 income. The main reason for this decrease is the large amount of itemized deductions claimed by people with incomes over $50,000. One component of these deductions is federal taxes paid. Until 1973, Oregon had been one of a few states permitting deduction of all federal income taxes when calculating state taxable income. The legislature has since restricted the amount of deductible federal income taxes to $5,000 which may make the effective tax rates progressive for all levels of income.

INHERITANCE AND GIFT TAXES

Inheritance Tax. In order to receive money or property after a death, an inheritance tax must be paid. The people receiving the goods are called "beneficiaries." Oregon's inheritance tax was instituted in 1903 and produced a total of $6,000 the first year. The annual average is now about $20 million. The Inheritance Tax Law consists of two distinct taxes. One is computed on the total value of the taxable estate in excess of $25,000, and each beneficiary pays a share. The second tax is computed on the value of the share given to each beneficiary, except for members of the immediate family of the deceased.

Gift Tax. In 1933, Oregon was the first state to enact a gift tax. It did so one year after the federal government adopted a gift tax, and Oregon's law is patterned after the federal law. This tax must be paid whenever gifts over a minimum value are made. This minimum value and the relationship (father, grandmother, friend, etc.) of the recipient to the person giving the gift determine the amount of tax.

The gift tax does not produce significant revenue when compared with other taxes or the total general fund, only about $1 million per year, but it does serve to reduce the loss of inheritance tax revenue. Before enactment of the gift tax it was possible for people to give away large portions of their wealth in anticipation of death, especially when they become old or were stricken with a terminal disease. This meant little property or money was subject to the inheritance tax at the time of death.

EXCISE/CONSUMPTION TAXES

Excise taxes are added to the price of goods consumers pay. Both federal and state governments impose excise taxes on items such as cigarettes, liquor, tires, automobiles, amusements, playing cards and cosmetics.

One reason for taxing certain goods is that those who benefit from the expenditure of the tax revenue pay the tax. For example, revenues from gasoline tax are used for highway maintenance and construction (in Oregon some also goes for construction of bicycle pathways and parks).

Another reason for these excise or consumption taxes is that lawmakers have decided consumption of some goods such as liquor and tobacco is undersirable. The taxes were intended to limit consumption as well as raise revenue. Examination of the effects of these taxes, however, shows they do not discourage consumption; but they do provide a substantial source of revenue.

Although Oregon does not have a sales tax, there have been efforts to institute such a tax. All have been rejected. The first attempt was in 1934, and it was defeated by the voters. Similar attempts came in 1936, 1944, 1947, and 1957. The last came in 1969 when it was turned down by a vote of 503,286 to 65,467 (nearly 8 to 1). Generally, each time the sales tax issue was voted, taxpayer sentiment was more negative.

BUSINESS TAXES

Business income is taxed in one of two ways, either under the personal income tax law or under corporation excise or income tax laws.

For many small businesses operating as a sole proprietorship or a partnership, the person operating the business simply fills out a special form detailing income and expenses and calculating profit or loss. This form is attached to and submitted with the personal income tax form.

Corporations, however, are taxed by either an income or an excise tax. To operate as a corporation the business must be registered as a corporation with the state and file corporation tax returns each year.

Corporation Excise Tax. Over 90 percent of all corporations operating in Oregon pay corporation excise taxes. This is a tax on the privilege of doing business in the state, or the opportunity to earn a profit. The tax itself is based on net income which is calculated by subtracting business expenses from gross income. Business expenses include salaries, depreciation of building and equipment. The tax rate is not progressive as is the individual tax rate. Corporations pay a flat rate of tax on any amount of net income. The legislature adopted a program of gradually increasing these rates. For 1976 corporations pay 6½ percent; for 1977, 7 percent; for 1978 and after, 7½ percent. Under the corporation excise tax there is a minimum tax of $10. It must be paid even if there is no net income.

Corporation Income Tax. The corporation income tax affects a smaller number of corporations, mostly those headquartered in other states and operated as interstate corporations. The tax rate is the same as for the excise tax, but there is no minimum tax.

At one time all corporations in Oregon paid a corporation excise tax. It was called a privilege tax or a franchise tax. In 1955, however, the United States Supreme Court ruled that solely interstate corporations could not be subjected to privilege taxes, so in order to avoid losing revenue from about 250 interstate corporations actively earning profits in Oregon, the legislature enacted a special corporation income tax law which required these corporations to pay tax on the income they earn in Oregon.

Exempt Corporations. Oregon exempts from the corporation tax laws many kinds of *nonprofit* corporations. These include fraternal organizations; corporations operating solely for religious, literary, scientific, charitable or educational reasons; agricultural or labor organizations; cooperatives; insurance companies paying taxes on premiums; credit unions; housing corporations operating for the benefit of students or the aged; pleasure, recreation or other nonprofit clubs. To receive tax exempt status, corporations must first be licensed as nonprofit with the Oregon Department of Commerce.

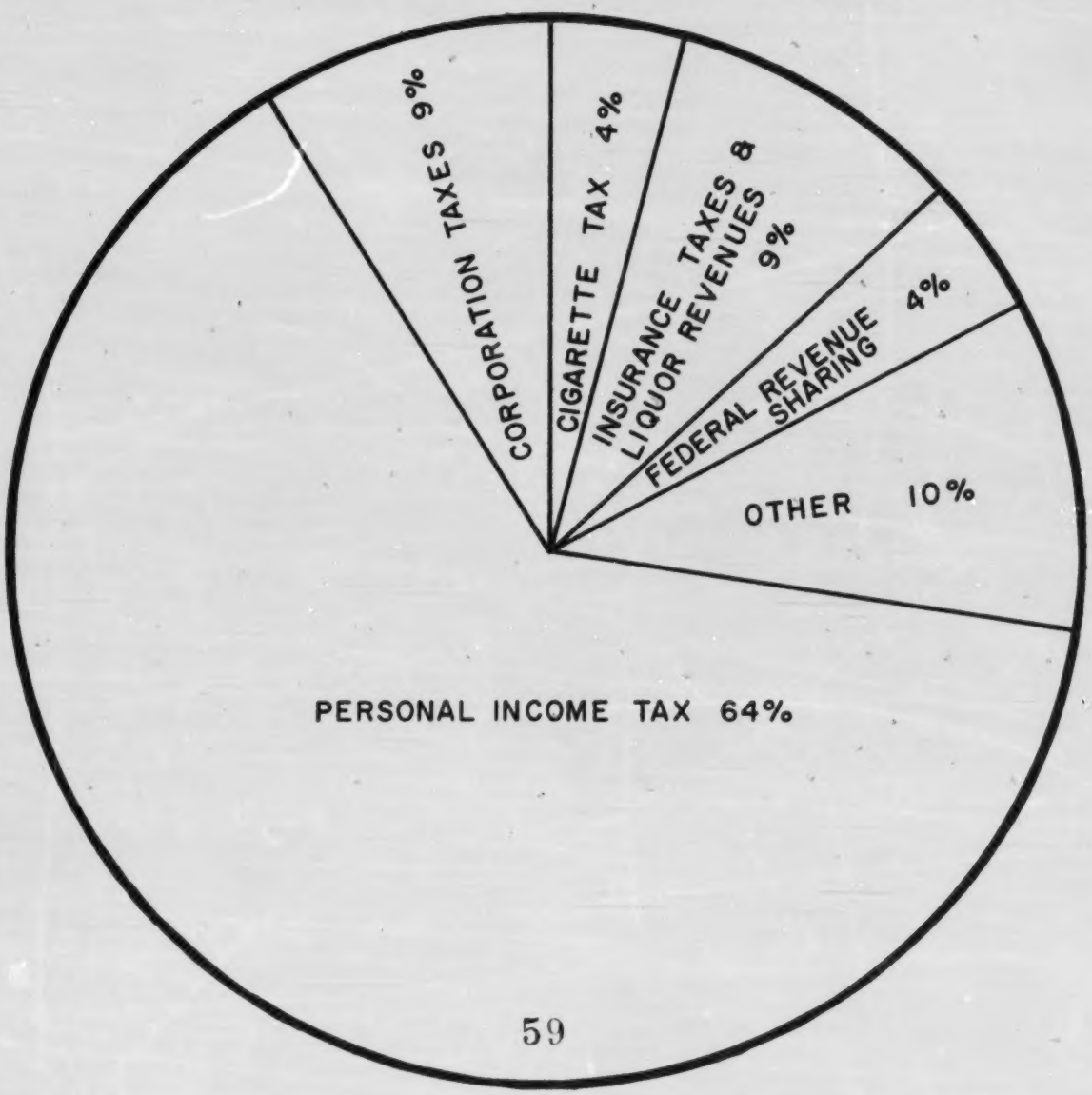
FROM REVENUES TO EXPENDITURES

State tax revenues are classified into two broad categories: general and special. *General* taxes, such as the individual income tax, corporation income and excise taxes, inheritance and gift taxes, go into what is called a general fund. Money from this fund may be used for almost any purpose approved by the legislature.

Special taxes are those set aside for specific purposes. Some of these purposes are dictated by the state constitution, or by certain laws adopted by the legislature. An example is the gas tax which can only be used for highways, parks, and bike trails.

The pie chart below depicts where state government gets general fund revenues.

GENERAL FUND REVENUES



Clearly, the largest single source of general revenue is the personal income tax. Corporation taxes, insurance taxes and liquor revenues, cigarette taxes, and federal revenue sharing make up smaller parts of the total. The category of "other" revenues includes inheritance and gift taxes, licenses and fees, charges for services, and interest earnings.

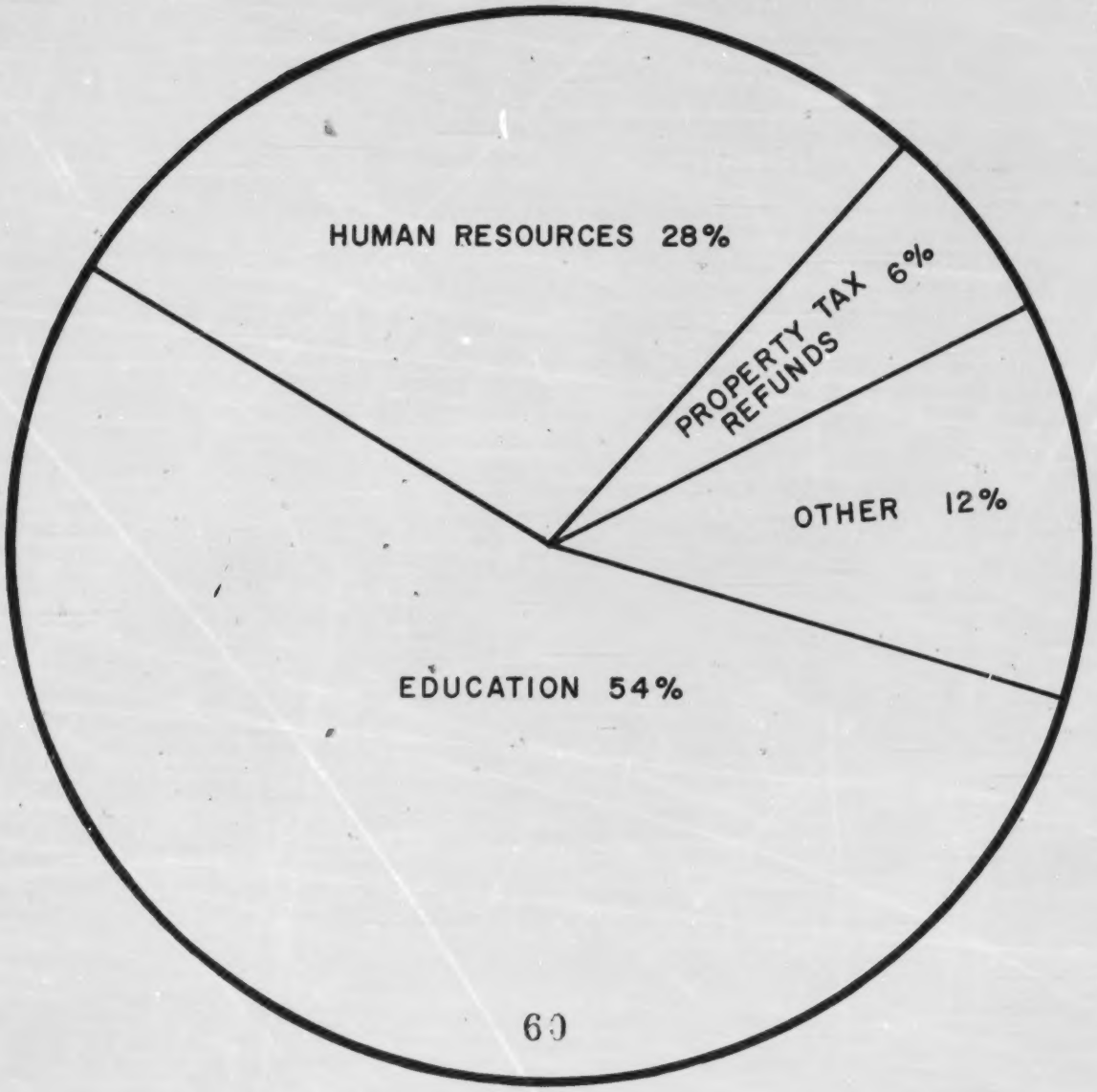
The pie chart below depicts where state government spends general fund revenues.

The two largest spending categories are for people needs—education and human resources. State money is used to support elementary and secondary schools, community colleges, and four-year colleges and universities. Expenditures in the education category also go to the Oregon Historical Society, the Oregon Arts Commission, and the State Library.

Human resource money is spent on state prisons and other rehabilitation centers, administration of unemployment compensation, supervision of the quality of public health care in the state, mental health care, and public welfare.

The category of "other" expenditures includes economic development and consumer services, natural resources, public safety, administration and support services, the legislature, and the state courts.

GENERAL FUND EXPENDITURES



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PROPERTY TAXES

Studying about property taxes may seem like a boring idea, that is, until you become a property owner. Then suddenly *you* must pay those taxes from money *you* earned. For example, you are a property owner, living in a house that last year was appraised at $20,000. This year a notice from the assessor shows that the assessed valuation on your property has been raised to $25,000. You believe this value to be more than the worth of the property, but you don't know what to do. You don't know enough about the law, or what your rights are to protest the increase.

Or, perhaps you are asked to vote on an important bond issue that will greatly affect your community. The ballot states that by passing this bond issue only $1.10 for every $1,000 of assessed valuation will be added to your property taxes, but you might not realize what this means to you in terms of the taxes you will be paying.

Or, you may become very interested in studying structure of government and how laws are made and upon what financial basis many of our laws are enacted. Then it may occur to you that the study of taxes is basic to understanding local, state, and federal government; because, without money with which to operate, our government as we know it could not exist.

Throughout most of this country's history, property taxes have been the most important source of revenue for state and local governments. In recent years, however, because state government has utilized other sources of revenue, the property tax has become the revenue source used almost exclusively by local government.

Property in Oregon is subject to "ad valorem" taxation. Translated from Latin, ad valorem means, "according to value." Generally, under Oregon law your assessor is required to value taxable property at 100 percent of its true cash (market) value. In other words, a property's true cash (appraised) value represents the assessor's best estimate of the price that the property would sell for if offered for sale on today's market.

The law also requires that all property be appraised at least once every six years. Through periodic reassessment and updating of records, assessors work to assess all property in the state uniformly and fairly in order to have each property owner pay only his or her fair share of the total cost of government.

Exemptions and Special Assessments. Not all property in Oregon is taxable. Property owned by federal, state, county, and local governments and school districts is exempt. However, in some situations the federal government contributes money to local governments from the sale of timber on federal land. Property owned by certain religious and charitable organizations is exempt from property taxation by state law. The total value of all exempt property in Oregon is estimated to be about $13 billion. The value of all taxable property is about $35 billion.

There are some exceptions to the rule of taxing property at 100 percent of market value. Each year most of the timber in western Oregon is taxed on a percentage of its current harvest value, but the owners of the timber pay an additional tax after the timber is harvested. So the taxes in that year are levied on 100 percent of the timber value. Business inventory is taxed on a decreasing percentage of its market value until it will be completely exempt from property taxation in 1980. Farm land, open space land, Willamette Greenway land are other examples of property that is not taxed at its full market value.

The Assessment Process. In each of Oregon's 36 counties an assessor is elected or appointed to be responsible for valuing all taxable property in the county. The assessor has a staff of professional property appraisers who make the actual value estimates that become part of a permanent record known as the "assessment roll." Once the assessment roll is complete, with all taxable property listed, the assessor simply adds the values of each item of taxable property to determine the total value of all taxable property in the county. He or she performs similar addition for each separate taxing district in the county by adding the values of individual pieces of property within the borders of the district.

While the assessor and his or her staff are working on the valuation process, local taxing districts (county, city, school, sewer, fire, etc.) are working on budgets for the coming year. When budgets are complete and submitted to the assessor, he can then determine, again by simple arithmetic, the amount of money to be paid by the owner of each piece of property in the county.

Some people misunderstand the assessment and taxation process. They believe the local governments determine the amount of money they will need, then ask the assessor to raise property values so that taxes will be high enough to raise the necessary funds. *Actually, the budget process and the valuation process are completely independent.* The assessor determines market values at the same time the local governments determine their budget needs. Each year the local governments give their budget needs to the assessor, who then calculates the tax levy rates and the amount of taxes each property owner shall pay.

Appraisal Methods. The market value of a property as of 1 a.m. on January 1 each year is the target for all appraisals the assessor makes for tax purposes. When determining the value of a piece of property, the appraiser uses one or more of three generally recognized approaches to value.

The first of these, the *market comparison approach,* is the preferred valuation technique and is used when a market for comparable property is known to exist. The technique involves making a comparison of the property being appraised with similar properties that sold recently in that area. Sales are carefully screened to eliminate those that do not accurately reflect market values, such as sales between relatives or sales where the buyer or seller was forced to conclude the transaction quickly.

The *income approach* to value is particularly suited for appraising business property, such as apartment houses, stores, restaurants, and office buildings. The anticipated income from the property helps in determining market value by recognizing and taking into account the amount of profit the buyer will expect to receive, the number of years that profit can be expected to continue, and the relative risks of the income itself.

The third approach, the *cost approach* to value, is often used when the market for a special purpose property is hard to identify. An example may be a factory built to produce alloys of rare metals. There are very few of these factories, and rarely are they sold. If someone does purchase such a factory, he or she could not easily convert it into uses other than those for which it was built. The appraiser, using local building cost information, would try to find out the cost of constructing a similar building, offering the same basic features. A deduction for depreciation is allowed for age, condition, and obsolescence.

Maintaining Property Values. With the few exceptions noted previously, Oregon law requires that all property be assessed at 100 percent of market value. This rule applies to most of the taxable property in the state such as homes, apartments, retail stores, office buildings and utility and industrial property. The reason is to assure that each property owner pays his or her fair share of property taxes. If two neighbors have homes with market values of $20,000, and neighbor A's home were assessed at 50 percent of its market value while B's were at 100 percent, A would be paying half as much property tax as B.

In order to maintain the required level of assessments, assessors must reappraise each piece of property at least once every six years. Between these reappraisals, however, market values in some areas may change dramatically so that the assessed values fall far behind actual market values. When this occurs, assessors raise the values of all property in the affected areas by a percentage amount. For example, an assessor may find that the market values on property surrounding a proposed shopping center have been increasing so that they are 30 percent higher than the assessed values on record. The assessor then adjusts the assessed values upward by 30 percent to bring all properties up to the market value standard.

Appeals Process. Oregon law provides taxpayers with a full range of administrative and legal remedies to protect themselves against unreasonable assessments. Whenever an assessor increases the value on property such as land and buildings by more than $400 or five percent, whichever is greater, he or she must send a notice of that action to the property owner.

Then, if the taxpayer believes that the property has been valued above its true cash (market) value, he or she has the right to file an appeal with the county board of equalization. This is the aggrieved taxpayer's first step in an appeal process that can reach all the way to the Oregon Supreme Court. The jurisdiction of the board of equalization is limited to consideration of value questions; it cannot consider legal questions such as eligibility for exemption or special assessment, etc. In order for the board to reduce the assessed valuation of a piece of property, the property must be shown assessed in excess of its true cash (market) value. After the board has considered information offered by both the taxpayer and the assessor, an order is issued giving its decision. The appeal route includes consecutively the Oregon Department of Revenue, the Tax Court, and the Supreme Court, if the taxpayer elects to pursue the total appeal process.

Determining Tax Rates. Once the budgets of the taxing districts have been approved, the amount of taxes to be levied is written on a form called "Notice of Tax Levy" which, with a copy of the budget, is given to the county assessor by July 15.

The "Notice of Tax Levy" constitutes an order to the assessor to include this amount of money on the tax roll he or she is then preparing. The assessor does not have the right to increase this amount and only in specific instances to decrease it. His or her *only* authority is to see that the districts have acted in a legal manner. If the assessor finds, for example, that the levy exceeds the constitutional six percent limitation, he or she must, after consulting with the Department of Revenue and receiving its concurrence, reduce the levy to the legal amount. If the assessor or the county court, or ten taxpayers, believes that the budget or levy is in violation of the law, any of these parties may bring the matter to the attention of the Department of Revenue; and if the Department finds a violation, it issues an order requiring compliance with the law.

If the budget and levy are legal, the assessor determines the "rate of levy." He or she does this by dividing the amount of money needed by the total taxable value. The quotient (usually expressed in dollars and cents per $1,000 of value) is the tax rate.

For example, a school district needs $2,100. The total value of the taxable property is $560,000. Divide $2,100 by $560,000 and the result is .00375. Multiply .00375 by 1,000 to get the rate per $1,000 of value (.00375 x 1,000 = $3.75).

The assessor calculates the tax rate for every taxing district in the county. The next step is to determine how much tax must be paid by the owner of each piece of property. To do this the assessor adds the levies of the various districts providing service to the property.

Continuing with this example:

District	
Elementary School District	$ 3.75 per $1,000
Union High School District	3.67
Intermediate Education District	7.30
Rural Fire District	.90
Water District	.68
Cemetery District	.28
Road District	1.62
County	3.05
Combined Tax Rate	$21.25 per $1,000

The assessor then multiplies the combined tax rate by the value of each item of taxable property. The value (expressed in thousands of dollars; e.g., $20,000 property would be expressed as 20 when multiplying) is to calculate the amount of tax to be paid by the owner of the property. If the property was valued at $4,000, the tax would be $85 ($21.25 x 4 = $85). If the property was worth $22,000, the tax would be $467.50 ($21.25 x 22 = $467.50).

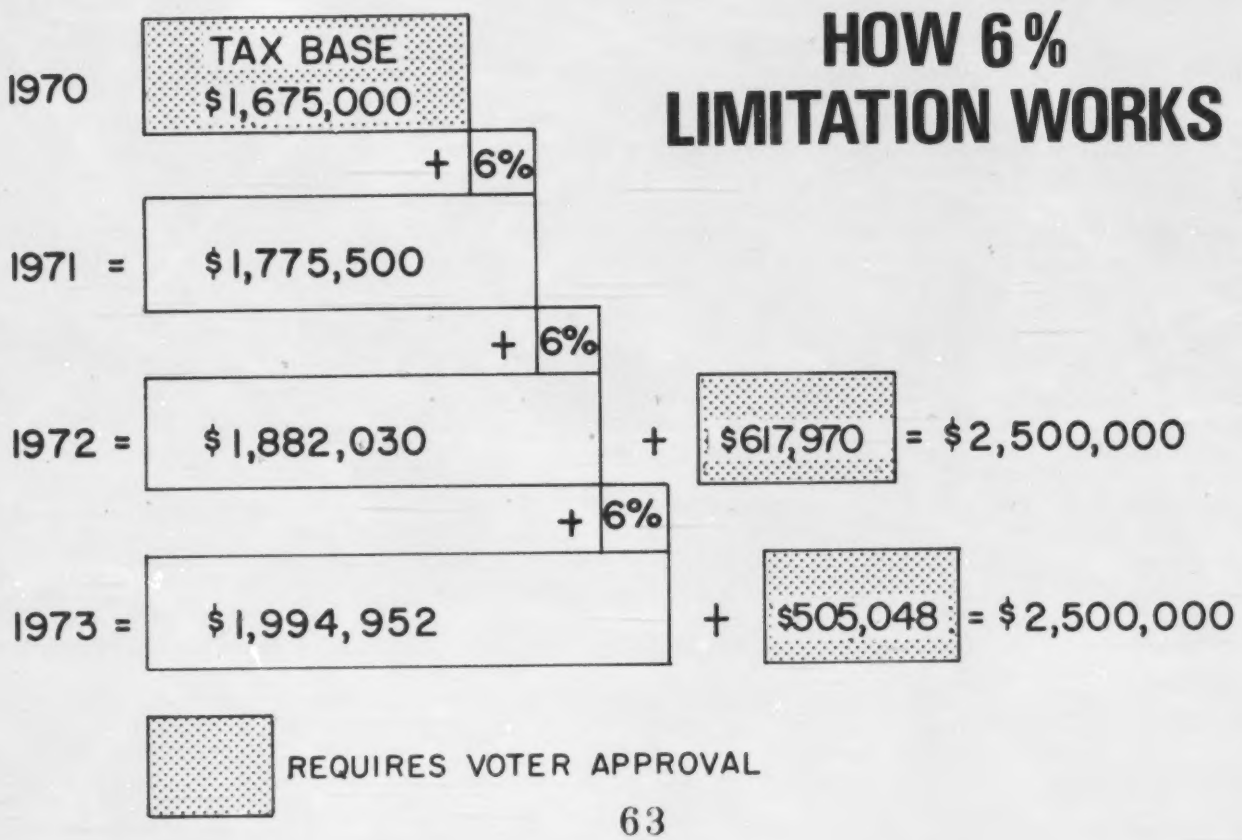
Six Percent Limitation. A six percent limitation has been set by the Oregon Constitution to restrict the total dollar amount that can be obtained from property taxes by a local government in any one year without a vote of the people. This applies only to taxing districts that have a voter approved *tax base*. If a district does not have a tax base, then voters must approve any amount of money to be raised from the property tax every year. Because of the limit, many local government units having approved tax bases must seek voter approval each year to levy taxes in excess of the six percent limitation.

The effect of this limit can be seen in the following example. Suppose the voters of a city approve a *tax base* of $1,675,000 for the year 1970. This amount of money is all that the district could receive from the property tax for 1970. But it would be able—without another vote—to increase the total dollar amount to $1,775,500 for 1971. This total is calculated by multiplying the 1970 tax base by 1.06 or 106 percent (100 percent is the 1970 tax base plus the allowable increase of six percent). In 1972 the district could receive $1,882,030 (the $1,775,500 from 1971 x 1.06 = $1,882,030), once again without another vote.

Now, suppose inflation has pushed up the cost of operations so that the district needs $2,500,000 in 1972. In the preceding paragraph the six percent limitation would restrict the property tax revenue to $1,882,030. The difference between this and what the district needs is $617,970. In order to obtain the full $2,500,000, the district must obtain voter approval for the extra $617,970.

Say the voters approved the $2,500,000 budget in 1972. Say further that the district will need $2,500,000 again in 1973. The six percent limitation still controls the amount of money that can be raised from the property tax without a vote. In 1972 the limitation would have permitted $1,882,030. For 1973 this can be increased to $1,994,952 (the $1,882,030 from 1972 x 1.06 = $1,994,952). The district still needs $2,500,000, so the difference of $505,048 must have voter approval.

Collection and Distribution. The property tax bill that every taxpayer receives represents taxes levied on his or her property for the tax year July 1 through the following June 30. At least one quarter of this bill must be paid on or before November 15; the second quarter on or before February 15; the third quarter on or before May 15; and the fourth quarter on or before August 15. A three



percent early payment discount is allowed on accounts paid in full on or before November 15.

As payments are made, the collector records them to assure proper credit for each property owner. He then determines how much of the money collected is to go to each taxing district. At least once a month the tax collector gives the money, together with a written order for its distribution, to the county treasurer, who then forwards a check to each district. Distribution is based on a percentage of each district levy to the total of all levies in the county.

INSURANCE INDUSTRY TAXES

Many economists view Oregon's insurance tax as progressive, though only slightly so. In 1974 Oregon had a total of 975 carriers writing nearly a billion dollars of insurance on Oregon risks. Over 95 percent of these carriers were classified as foreign, and they accounted for almost 80 percent of the total writings. Looked at differently, 20 percent of Oregon's insurance business was written by 54 domestic firms which do not pay a tax on premiums. Twelve leading concerns have roughly one-third of the Oregon insurance market and five of these are domestic companies.

Tax Rate and Base. Oregon applies a flat rate of 2.25 percent to a base consisting of gross premium receipts from the writing of Oregon risks. The base used excludes a second primary source of insurance company income-investment activities. In addition, taxable premium receipts are reduced by reinsurance contracts with other concerns, returns to policyholders in the form of dividends, and refunds for unused insurance, among others. Significantly, the rate of 2.25 percent is supplemented by a three-fourths percent special State Fire Marshal's tax on all fire insurance written.

Exemptions. Various insurer and insurer-like organizations are accorded statutory exemption from the gross premium tax. All Oregon-chartered insurance firms, for example, are subject to the corporate excise tax; and, in the case of fire insurers, domestics are required to pay the Fire Marshal's tax. Health service contractors (Northwest Hospital Service–Blue Cross, Oregon Physicians Service, Oregon Dental Service, Kaiser Foundation Health Plan, and various service groups) operate in a similar fashion, as do self-insurers (fraternal and certain nonprofit organizations–e.g., State Accident Insurance Fund, Teachers Insurance and Annuity Association).

Tax exemption is also extended to certain types of insurance contracts. Life insurers, for instance, are not required to pay a premium tax upon their receipts from the writing of fixed or variable annuities. As another example, workmen's compensation carriers are allowed a premium tax credit for the annual assessments (currently 5.67 percent of premiums) paid to the state for a special administrative fund. Finally, marine writings are exempt from the premium tax because such insurance is subjected to a special five percent net underwriting income levy.

Retaliation. A provision called the "retaliatory" clause in included in the Oregon statutes. This clause, common to all but a very few states, requires Oregon's Insurance Commissioner to levy equivalently higher fees and taxes upon a foreign or alien insurer when the domicile state of that insurer charges its nondomestics more than Oregon charges it nondomestics. As an example of how this works, an Idaho domestic life insurer must annually remit to the State of Oregon an extra three-fourths percent on its Oregon business, because Idaho's rate is three percent of foreign (out-of-state) companies and Oregon's rate on its foreign companies is only 2.25 percent. The object of retaliation is to place a damper upon state legislative efforts to raise the charges on out-of-state insurance companies.

Tax Productivity. In calendar 1974 the insurance industry's payment to the State of Oregon totaled over $16 million. Nondomestic companies pay these taxes on amounts they collect in premiums on policies sold in Oregon (the domestic companies pay no such tax). All such taxes are collected by the state's insurance commissioner, and collections become part of the General Fund. Statutes provide for state preemption of this tax, and local governments are denied the use of any levies–other than property taxes–upon this industry.

Oregon is the only western state that grants tax exemption to domestic companies. As a result, it is estimated that nearly $242 million in premiums to these companies remains virtually untaxed. Some states extend a sizable degree of premium tax relief to domestic carriers through other special features: a premium tax credit for property tax payments, credit for certain types of property tax payments, rate reductions for the designated proportions (ranging from 25 to 50 percent) of insurance company assets invested in local securities or property.

TAX GLOSSARY

ADJUSTED GROSS INCOME. Gross income after deducting necessary business expenses.

AD VALOREM TAX. According to value–generally applies to property tax, and in some states, to motor vehicles.

ASSESSMENT. Valuation assigned to property for taxing purposes.

AVOIDANCE OF TAXES. Legal escape from paying taxes by taking advantage of loopholes (as opposed to "evasion").

BROAD-BASED TAX. A tax paid by the vast majority of the population.

CAPITAL ASSET. Property such as land, buildings, stocks and bonds, not used in business or trade. Does not include accounts receivable or business inventories.

CAPITAL GAIN. Amount of profit realized from sale or exchange of a capital asset.

CAPITAL LOSS. Amount of loss incurred by sale or exchange of a capital asset.

COMMUNITY PROPERTY PRINCIPLE. Husband and wife have equal interest in property accumulated by them, as long as they remain married. In states where this principle governs, it is permissible for husband and wife to divide equally the total of their joint income for tax purposes. (Not used in Oregon.)

CONSUMPTION TAX. A levy on commodities and transactions whose end payment falls on the consumer in the price paid for goods and services.

CORPORATION. An association of stockholders created under law and regarded as one body by courts. Chief characteristics: (1) limited liability of stockholders, (2) continuity in existence, and (3) easy transfer of ownership interests.

CORPORATION INCOME TAX. A tax levied upon net earnings of corporations.

CREDIT. An allowance for a dependent, or for a handicap (specified by law) such as blindness. Such credit applies as a personal deduction toward determining taxable income.

DEPRECIATION. A decrease in value because of wear through use, action of the elements, inadequacy, accident, or obsolescence.

DEPRESSION. A period of low business activity when prices are low, purchasing power is sharply curtailed, and unemployment is high.

DIRECT TAX. A tax not easily shifted or passed on to some other person by the person on whom it is levied. It is often difficult to determine when a tax is direct. For example, a tax on a business may be shifted to the consumer or passed on to employees through lower wages. Fair examples of direct taxes are personal income, inheritance, and poll taxes.

DISCRIMINATORY TAXATION. A tax or taxes which appear to favor one class of taxpayer over another. Validity of preference is frequently a controversial matter. For example, the cigarette smoker may regard a cigarette tax as discriminatory; a nonsmoker might consider it a luxury tax.

DISPOSABLE INCOME. The income remaining after deducting personal taxes and all other payments to governments.

DOUBLE TAXATION. The levy and collection within one fiscal period of two taxes, both calculated on the same tax base. Double taxation may occur because two tax jurisdictions assess the same tax base (such as federal and state taxes imposed upon incomes); or when the same tax jurisdiction assesses the same tax base twice (such as federal income taxes levied upon corporation profits, once when earned by the corporation, and again when received by the stockholders in the form of dividends).

EARMARKED TAX. A tax designated by law to be used for a specific purpose.

EQUALIZATION OF ASSESSMENTS. A program to assure that all real property in the state is assessed at the same percentage of true cash value.

ESTATE TAX. A tax, usually progressive, levied upon the gross estate of a deceased person before the estate is divided. (Not to be confused with an inheritance tax.)

EVASION OF TAXES. To avoid taxes by deception (as opposed to "avoidance").

EXCESS PROFITS TAX. A tax designated to reduce the profits made by abnormal consumer demands, particularly in wartime.

EXCISE TAX. A levy upon some phase of production and distribution of goods and services.

EXEMPTION. Legal freedom from obligation to pay taxes.

FEES. Payments by an individual or business for a particular government privilege or service.

FISCAL POLICY. The policy pursued by government in connection with legislation or administrative practices relating to taxation, the public debt, public appropriations and expenditures, government funds, and similar matters; particularly the intended effect of related legislation and administrative practices upon private business and the economy of the state (or nation).

FISCAL YEAR. Any twelve months used as an accounting period. It may or may not correspond with the calendar year. In Oregon, a fiscal year begins on July 1 of a given year and ends on June 30 of the following year. Beginning in 1976, the federal fiscal year will begin October 1 and end September 30 in the year following.

FLAT RATE TAX. A tax rate which remains the same as the tax base increases.

FRANCHISE TAX. A tax levied on some special privilege extended by the government to a private enterprise.

GASOLINE TAX. An excise tax on the sale of gasoline.

GENERAL REVENUE FUND. The fund to which all general purpose taxes are credited. This money is spent by legislative appropriation.

GRADUATED TAX. A tax whose rate increases as the tax base increases. In Oregon, single taxpayers pay from four percent of taxable income under $500 to ten percent of taxable income over $5,000. Those filing joint returns pay from four percent of taxable income under $1,000 to ten percent of taxable income over $10,000.

GROSS INCOME. Total receipts or earnings before deduction of expenses or allowances.

GROSS NATIONAL PRODUCT (GNP). The total national output of goods and services at market prices.

GROSS PREMIUMS TAX. A tax on total premiums collected by an insurance company.

GROSS RECEIPTS TAX. A tax on total receipts of an enterprise from the sale of goods and services.

HIDDEN TAX. An indirect tax incorporated in the price of goods and services and therefore not apparent as such when paid. For example, customs duties may increase the prices of imported products without the consumer knowing how much of the price is due to payment of duties.

INCOME TAX. A tax on personal or corporate income.

INFLATION. An increase in the general price level occurring when the quantity of money in circulation is large compared with the quantity of goods and services offered.

INHERITANCE TAX. A tax, usually progressive, levied upon the property which individual beneficiaries receive from an estate of a deceased person. (Not to be confused with an estate tax.)

INTANGIBLE PROPERTY. Nonmaterial assets such as bank deposits, stocks, claim against a debtor, or the good will of a business; properties which cannot be readily appraised.

JOINT RETURN. A combined report of the incomes of husband and wife permitted by the income tax regulations of the U.S. and certain of the states.

LICENSE TAX. A fee for a privilege.

LUXURY TAX. A tax imposed upon articles not considered essential to a normal standard of living, and usually high in price.

MARKET VALUE. Value placed on property by a willing seller and a willing buyer.

MILL. A thousandth part of a dollar; one-tenth of a cent.

MILLAGE. A rate computed by dividing the total assessed value of taxable property into the amount to be raised by the property tax. An obsolete term. Rates are now expressed in dollars per thousand of taxable property value.

MOTOR VEHICLE TAX. A fee paid to the state by the owners of passenger cars, trucks, motorcycles, campers, travel trailers and other motor vehicles.

NET INCOME. Whatever remains from earnings and profits after all costs, expenses, and allowances for depreciation and probable losses have been deducted.

OFFSET. Utilization of a portion of the revenue from one tax (e.g., income tax) to make unnecessary the collection of the same amount of revenue from another tax (e.g., property tax).

PAYROLL TAX FOR UNEMPLOYMENT INSURANCE. In Oregon employers of one or more persons during any calendar quarter (or during one day of any 18 weeks of a calendar year) in which the payroll amounts to $225 or more are subject to the tax. Exemptions include agricultural labor and casual labor that does not promote or advance an employer's trade or business. The standard tax rate is 2.7 percent of taxable wages, but an experience-rating plan may provide qualified employers with rates as low as 1.2 percent under specified conditions. The tax (administered by the State Employment Division) is paid on an amount determined annually as 80 percent of the state's annual wage. For 1976 the first $7,000 paid each employee is taxed and is borne entirely by the employer.

POLL TAX. A tax levied at a certain amount per person and sometimes called a "head tax." It is sometimes made a prerequisite for voting and obtaining licenses for various privileges. A constitutional provision prohibits the use of the poll tax in Oregon.

PROGRESSIVE TAXATION. A tax system in which rates increase as the base amount taxed increases. Progressive taxes are intended to require a relatively larger payment from those considered to have a greater ability to pay by taking a larger percentage of their incomes.

PROPERTY TAX. A tax levied on the assessed value of real and personal property.

PROPORTIONAL TAXATION. A taxation system which uses the same rate regardless of the base amount taxed. A state personal income tax with a flat rate would be a proportional tax.

REGRESSIVE TAXATION. A tax system in which rates decrease as the base amount taxed increases. This term is also used, by those who subscribe wholly to the ability-to-pay principle, to describe a tax in which a taxpayer in lower brackets would pay a greater percentage of income than those in higher brackets.

REAL PROPERTY. Land and permanent improvements such as buildings.

RETAIL SALES TAX. A tax levied on the sale of goods or services at one or more stages in the process of distribution.

SELECTIVE SALES TAX. A sales tax which applies a specified rate to particular commodities or services. A gasoline or cigarette tax would be a selective sales tax.

SEVERANCE TAX. A tax levied on natural resources removed from land or water (timber, minerals, fish, oil).

SURTAX. An additional tax on the same tax base after one tax has already been applied.

TANGIBLE PROPERTY. Material assets which can be accurately appraised such as household goods, business equipment, boats and animals.

TAX. A compulsory charge on persons, income, consumption, property, or services imposed by the government to raise revenue.

TAX BASE. The common use of "tax base" is the value or unit to which the tax rate is applied to determine the tax due. In Oregon, "tax base" refers also to the amount of money a taxing district can levy from property taxes without voter approval. Voters must first approve a "tax base" which can then be increased by six percent each year without another vote.

TAX IMPACT. The point where a tax is imposed by law. The impact of the personal income tax is on the individual who pays it. The impact of the corporation income tax is on the corporation. The impact of the retailer's excise tax is on the retailer even though he invariably shifts the tax to the consumer.

TAX RATE. The ratio of a tax levy in dollars to a base such as taxable value, taxable income, consumer expenditures, etc.

TRANSFER PAYMENTS. Payments by both government and business to persons for which no services have been rendered. Such payments are, however, income to persons receiving them, just as wages, salaries, or other income. Examples of transfer payments by the federal government are social security, veterans' payments, government and railroad retirement payments, etc. Examples at state and local levels are public assistance programs.

TRUE CASH VALUE (TCV). Market value as of January 1 of assessment year.

USE TAX. A tax levied on the use of particular articles. It is frequently levied to prevent avoidance of sales tax by purchasing the taxed items in another state.

WITHHOLDING TAX. An estimate is made of income tax liability and the employer is required by law to withhold the required amount from the paycheck of his employees each payday. Self-employed people are required to estimate their income and to pay their tax at specified times during the year.

—Oregon Department of Revenue

federal aid: largess with strings

With the federal government collecting over two-thirds of all income taxes paid in the United States, it makes sense that state and local governments are anxious to share some of those dollars.

In Oregon the federal contribution to state and local governments has increased nearly 45 percent over the three years 1972 through 1974. Federal aid for Oregon in fiscal 1974 totaled $557.7 million. These funds included direct grants to government bodies, such as rural development funds to state agriculture agencies; shared revenues and payments in lieu of taxes, such as Oregon and California lands payments; grants-in-kind, such as purchases of commodities distributed to government institutions (e.g., the school lunch program); and low interest loans, such as

disaster relief programs.

Nearly a third of the federal dollars allocated to Oregon in fiscal 1974 were earmarked for health, education and welfare programs. Other significant targets were agriculture (17 percent of all the state's federal funds), transportation (12 percent), and environmental protection (4 percent).

CATEGORICAL AID

Federal domestic aid has grown rapidly since its major development in the 1930s. In 1975 over 1,000 federal domestic aid programs were administered by 55 different federal agencies. Most of these programs are categorical, meaning the dollars are earmarked for a specific purpose (category). With each new federal program has usually come complex sets of regulations. In education alone, sets of regulations published in the *Federal Register* mushroomed from some 30 in 1973 to over 200 in 1975. The *Federal Register* itself, a printing of regulations and legal notices issued by federal agencies, was expected to increase in fiscal 1976 by 23,000 pages (from 40,000 to 63,000).

Regulations spell out the rules which must be followed to qualify for, apply for, and administer a federally funded program. To interpret regulations and locate possible sources of federal funds, a growing number of state and local government units are employing the services of experts in "grantsmanship." For small government units, interpreting regulations and trying to operate a federally funded program can become more of a headache than the dollars are worth. But for most government units, the federal largess is a valuable source of revenue that helps accomplish goals for which no other revenue is available.

DOLLARS WITHOUT STRINGS

Not all federal dollars come to Oregon earmarked for specific purposes. "O and C" monies are a good example. When the Oregon and California Railroad was abandoned, the federal government still held every other section of land along the right-of-way. Investments of the income from this land have been highly profitable and the federal government shares 75 percent of this revenue with the counties which include such lands in their boundaries. Because of O and C revenues, a few of these counties have been able to avoid levying property taxes for county government purposes. Several counties in Oregon also receive–with no strings attached–part of the receipts from sales on timber on national forest lands.

The state government receives about $20 million annually under the federal revenue sharing program, with only broad guidelines about how the money is to be used. Local government units receive even more total revenue sharing funds. In Oregon the state government's entire share of these funds was allocated for basic school support in the 1975-77 biennium. Thus any cutback in federal revenue sharing might rock local government and local school districts.

The future of federal revenue sharing, however, is uncertain. Although the idea was first proposed during Andrew Jackson's administration in the early 19th century, the current program has been in operation only since 1972. Unless renewed by Congress, the program will expire 31 December 1976. In spite of strong state and local government support for the program, Congressional opposition to renewal of the program has mounted. The chairman of the House Government Operations Committee, which must approve any revenue sharing legislation before the full House votes on it, has emphasized his opposition to the "no strings attached" nature of revenue sharing funds. He and other members of Congress would like Congress to exercise greater control over how revenue sharing dollars are spent.

charges, licenses and fees

Nontax revenues consist of current charges, special assessments, and all other general revenue *except* taxes and intergovernment revenue.

Current charges comprise money received from the public for specific services benefiting the person charged, and from sales of commodities and services (except those of liquor stores and local utilities). Fees, toll charges, tuition, interest earnings and special assessments fall into this category. Current charges make up more than 20 percent of the total general revenue for state and local government in Oregon. In 1973-74 state and local governments raised more than $465 million in current charges out of $2.3 billion in general revenue.

Licenses and fees have become a revenue resource of increasing importance to both counties and cities; but, on the whole, the state has not used them to any great extent. Some 40 state agencies or departments in Oregon issue licenses and charge fees for services, yet only a handful collect the greatest share of the revenue.

CHARGES FOR SERVICES

Charges, like fees, reduce the requirement of government to tax in order to support its activities. Charges mean that individuals directly receiving identifiable government services finance part or all of these services, and tax revenues can be utilized to finance activities with genuinely collective (as opposed to individual) benefits. Care must be taken, however, to establish charges that avoid unfair government competition that distorts resource allocation and reduces the level of national income. As a landlord, for example, the government should not set rents at less than prevailing rates, set special rates for oil and gas leases, etc.

One major disadvantage of charges is their regressive character—low-income people must pay a greater fraction of their income for such services than high-income people. In many instances, however, discriminatory (nonuniform) charges can be set to avoid the regressive character of certain uniform charges.

A second disadvantage is that personnel of government bureaus and agencies acquire great knowledge and expertise in their operations and typically become advocates of expanding their organization's activities and output. This understandable desire to be associated with a growing bureau or agency, though, does not create interest in fees and charges that are likely to reduce the "output" of the organization. Consequently, the design of a rational fee system has little attraction. On the contrary, instead of employing charges to ration and to constrain output, fees and charges may be funneled into a fund earmarked for the expansion of the organization's operation, thereby avoiding either legislative or executive branch budget control. For example, motor vehicle registration fees, operator's licenses, gasoline taxes, tolls, etc., are not now set with the intention of reducing the social costs of traffic congestion but instead to finance additional highway construction.

Third, fees and charges have not been particularly effective because government bureaus and agencies have not set them according to any consistent and rational set of principles and have not adapted them to reflect changing conditions. Too often with respect to fees and charges, government organizations have been (a) inconsistent, and hence discriminatory; (b) lethargic where constant adaption was necessary; and (c) unduly influenced by the occupational groups they regulate or the "customer" groups they supply services.

PRINCIPLES FOR SETTING FEES

Appropriate principles do exist for initially setting and subsequently changing service charges and registration, certification, and license fees.

(1) Where particular activities, goods, or services create special health, safety, or other problems, states typically require registration, certification or licensure to practice certain occupations and to operate some types of enterprise, as well as the inspection of raw materials, production sites, buildings, equipment, financial arrangements, and outputs of some businesses. Special problems often require regulation or inspection for the protection of participants in an activity—buyers, sellers, or the general public. Consequently, for example, the Office of the State Fire Marshal in Oregon inspects petroleum storage plants, delivery trucks, etc.; the Department of Agriculture certifies the qualities of many Oregon farm products; the State Health Division registers X-ray machines and licenses physical therapists, and so on. Although safety devices and stringent work rules can prevent accidents, poor quality services and other harm, regulation via registration, certification, licensure, and inspection are deemed necessary because not everyone will act to eliminate these hazards.

The costs of regulation and inspection to protect producers, consumers and the general public derive solely from the particular activity or item regulated or inspected; thus their registration, certification, license, and inspection fees should cover the full costs incurred.

(2) The principle of neutrality also argues against special treatment of out-of-state firms or individuals seeking sales or employment, respectively, as well as against all fees that vary arbitrarily according to geographic location, community population, sex of the applicant, etc. Among inspected, regulated, or licensed activities, occupations, or products, bureaus and agencies should purposely avoid differential fees unrelated to the costs of control. Fee-payers should finance the fee-collecting bureau or agency according to the costs incurred in their regulation, inspection, and licensing.

(3) The neutrality principle requires that registration, certification, licensing, and inspection be initiated or continued only in instances where their respective benefits exceed their costs. Although fees can often be increased and thereby cover increased regulation or inspection costs, these activities should be reduced in scale, or possibly abandoned, when marginal net benefits from regulation or inspection fall below zero. If this were not done, once again fees would become equivalent to a tax.

(4) Because fees or charges greater or less than costs would mean the bureau or agency levying them is indirectly taxing or subsidizing the individuals who receive the benefits of its operations (e.g., college tuition, state hospital charges), the justifications for such charges should be given regularly to the executive and legislative branches to prevent the development, either initially or over time, of hidden and unintended subsidies and taxes that subvert the public interest.

(5) Changing conditions require frequent evaluation and changes in fee and charge schedules if society is to reap the advantages of fees and charges.

(6) Funds collected from charges and fees should be put to their most efficient uses, that is, where returns to society are the greatest. Fees collected from the control of traffic congestion should be used for the construction of new highways only if the net present values of such investments (when properly calculated) exceed those obtainable from all alternative uses, including the reduction of taxes to finance other government activities.

public finance administration

Budgeting is the most important aspect of public finance administration, but it is also one of the most important means by which Oregon citizens can become involved in setting policies and priorities of state and local government.

Because the methods of financing Oregon public schools and community colleges are somewhat complex and unique, they have been singled out for discussion here, along with procedures for accounting, purchasing, and debt administration, which apply to all municipal corporations, including counties, cities, school districts, and special districts.

FINANCING PUBLIC SCHOOL EDUCATION

The method of financing elementary and secondary education in Oregon is quite complex, involving revenues from four levels of government–federal, state, two intermediate level taxing agencies, and local school district.

Major state sources of local school district revenue are three: basic school support, common school fund and categorical grants.

Basic School Support. The Basic School Support Fund approximated $170 million for the 1974-75 school year. For distribution purposes, the Basic School Support Fund is divided into three accounts–transportation, growth or decline, and the foundation program.

(1) Local school districts providing pupil transportation services in accordance with regulations and standards established by the State Board of Education are reimbursed a portion of the expenses incurred in connection with home-to-school transportation and board and room in lieu of transportation.

(2) Money distributed to local school districts through the apportionment for growth or decline is intended to assist districts to meet a portion of their additional expenses resulting from an increase or decrease in the number of pupils to be served.

(3) The greatest portion of the money available is distributed through the foundation program account. Funds in the foundation program are distributed two ways–as flat grants (which all districts receive), and as equalization (which some districts receive).

A flat grant is a uniform amount of money which each district receives for each student resident. During the 1974-75 school year, 79.6 percent of the available money in the foundation program account was distributed as flat grants.

Equalization funds (20.4 percent of the foundation program in 1974-75) are distributed under a rather complex formula. It intends to provide a method of ascertaining the extent to which nontax revenue sources contribute to the wealth of individual districts, and the means by which the comparable wealth of all school districts can be determined. Once determined, the formula then considers each district's ability to finance its resident students' basic program ($682 for elementary and $886 for secondary programs in 1974-75). To the extent that a district is unable to do so, equalization funds are made available.

Common School Fund. The Common School Fund represents the distribution of earnings from permanent school endowments and revenue derived from land credited to the fund. During the 1974-75 school year the amount distributed approximated $2.8 million or about $6 per resident student in the state.

Categorical Grants. In addition to the two major state revenue sources listed above, the legislature has made a series of categorical appropriations for specific purposes. Districts receive from these appropriations only to the extent that they participate in the programs specified. Among such appropriations would be programs for handicapped children, mentally retarded, driver education, disadvantaged children, and certain special school programs for which the state assumes 100 percent of the cost.

INTERMEDIATE EDUCATION DISTRICT RESOURCES

At the intermediate level two major revenue sources finance public school education.

The County School Fund. Under Oregon statute each county is required to establish a county school fund and levy for this fund an amount at least equal to the lesser of (a) the minimum amount it was required to levy for the purpose in the tax year 1965-66 or (b) $10 per capita for all children within the county between the ages of 4 and 20 years, as shown by the preceding school census.

No limit to the county levy for schools is prescribed if properly voted. However, the total county levy, in which is included the County School Fund levy, may not be increased in any year beyond six percent above the highest levy of the three previous years in which such levy was made without a special vote of the people. This limit excludes debt service levies and special levies voted by the people.

The principal revenue source for the County School Fund–in addition to the property tax–is federal forest fees.

Prior to 1971 the distribution of the County School Fund was on the basis of the number of census children in each common school district in the state. Because it was limited to "common school districts," union high school districts could not share in the proceeds of the distribution. Since 1971 that distribution has been on the basis of average daily membership, and union high school districts receive their proportionate share.

Equalization Levy. The second major distribution from the intermediate level is the intermediate education district equalization distribution. The intermediate education district (IED) in Oregon is a statutorily created service and taxing agency whose boundaries are coterminous with the boundaries of its local school districts. The boundaries of the IED may be, but are not necessarily, coterminous with county boundaries.

Taxes levied by IEDs are determined under one of two distinct statutory procedures. Under the first, the IED is authorized to levy, subject to the six percent constitutional limitation, a tax sufficient to pay its own operating expenses, and amount which it may set aside for distressed districts, and 50 percent of the operating expenditures of all component districts as estimated by formula. Except for amounts retained for the IED board and staff expenses and for distressed districts, such receipts are distributed among the school districts in proportion to each district's estimated average daily membership. Twenty-five Oregon IEDs determine their levies in this manner.

Four IEDs operate under a second procedure by which the authorized levy, subject to the six percent constitutional limitation, is determined by the amount required for the operating expenses of the IED plus the levies, as approved by the IED board, of all component school districts. After setting aside the appropriation for the board and staff expenses, the revenue is distributed among the school districts in the proportion that each approved district levy is to the total of all such levies.

The financing of elementary and secondary education in Oregon is heavily dependent upon the local property tax. Approximately 67 percent of all property taxes levied are for public elementary and secondary education. No non-property taxes are authorized for support of schools (except for state appropriations).

No statutory tax rate limits support schools. Unless approved by a majority of the people, school district levies may not exceed by more than six percent of the highest lawful levy, exclusive of debt service levies and specific levies authorized by the people, in any one of the last three years in which such levy was made.

School district bonded indebtedness may not exceed .55 of one percent of the total true cash value of all taxable property in the district for each of grades K-8 and .75 of one percent for each of grades 9-12 for which the district operates schools.

COMMUNITY COLLEGE DISTRICT RESOURCES

Oregon's approach to the financing of community colleges is somewhat unique. Each community college constitutes a taxing district and levies property taxes for partial support of its operation. Approximately 27 to 30 percent of the operating cost of community colleges derives from local resources, primarily property taxes.

The legislature appropriated approximately $70 million of operating money to be distributed to community colleges from the state level during 1975-77. The money is to be distributed on the basis of a "light bill formula." For example, during the first year of the 1975-77 biennium, each community college will receive an amount equal to the sum of $835 per equivalent full-time student for the first 1,100 such students and $670 per equivalent full-time student for each such student over 1,100. During the second year of the biennium, each community college should receive an amount equal to the sum of $900 per equivalent full-time student for the first 1,100 such students enrolled and $725 per equivalent full-time student for each such student over 1,100.

Though Oregon contributes nothing from the state level to construction costs of elementary and secondary schools, the state is heavily involved in support of construction of community colleges. Approximately $5 million of state money will be available to aid in the financing of construction during the 1975-77 biennium.

LOCAL GOVERNMENT ACCOUNTING PROCEDURES

An accounting system provides financial information to both elected and appointed government officials. It can be as effective as the responsible elected and appointed officials desire, depending on the extent to which they use it to make policy decisions and the investment they are willing to make.

Cash or Accrual Accounting. Local government units in Oregon may use a cash or accrual basis of accounting, or a combination of both. When cash accounting is used, revenues are recorded only when received, and expenditures are recorded only when actually paid. When the accrual basis of accounting is used, income is recorded when earned or when taxes become a lien on property taxed, and outgo is recorded when a liability is incurred, even though part or all of the payment may be made in another accounting period. The most conservative system uses a cash basis of accounting for recording income and the accrual basis for recording outgo.

The accounting system of a government unit necessarily differs in some respects from that used in private business. The two most common characteristics of government accounting, when compared with commercial accounting, are "funds" and "appropriations." The establishment of a fund does not necessarily include the authority to spend. Oregon law requires special action of the governing body to enact the proper ordinances or resolutions to make appropriations, and it is the appropriation which constitutes the authority to incur obligations.

Cost Accounting. Cost accounting has been defined by the National Committee on Municipal Accounting as "that method of accounting which provides for the assembling and recording of all elements of cost incurred to accomplish a purpose, to carry out an activity or operation or to complete a unit of work or a specific job." It differs from mere "expenditure" accounting which records the amounts paid and charges incurred without reference to work performed and, hence, will not yield information as to the cost of specific projects or work performed. Through "program" accounting, total costs of a specific function or program can be determined, but *unit costs* are not necessarily given.

"Cost" accounting relates expense to work accomplished during a given period of time. It is very useful for such purposes as estimating the quantity of work that can be accomplished for a given number of dollars. It also provides

a warning system for managers and policymakers by comparing costs for the same unit of work over a period of time. Unexplained changes suggest areas needing further investigation.

Cost accounting is a great deal more complicated than simple expenditure accounting, and it is difficult to analyze some government operations on a cost accounting basis. However, some types of activities, such as public works and many routine clerical processes, are susceptible to cost accounting analyses.

If accounting is viewed by public officials as one tool by which they may control, coordinate and plan activities for which they are responsible, so that services are provided at the lowest possible cost, improved accounting systems will be developed and a greater understanding of the operations of the various government offices will be forthcoming. If an accounting system is fulfilling one of its major functions, periodic reports are provided to elected officials indicating the revenues received by fund and expenditures made for various functions. Monthly reports can be provided to the governing body listing the funds received each month, accumulative totals for the fiscal year, and expenditures by function and object. Such reports can alert the elected officials to problem areas, provide cost information about various functions, and give some indication of need.

LOCAL GOVERNMENT AUDITING PROCEDURES

Auditing is an integral part of the accounting process. It includes both preaudits before expenditures are made and postaudits after funds have been spent.

Preauditing is the responsibility of officers or employees of the government unit, and its purpose is to determine that funds are available for the proposed expenditures and that no legal requirements are being violated.

Postaudits are required by Oregon statutes and must be made annually by persons outside the government unit. Audits required by statute may be made by the Division of Audits of the Secretary of State's office at the request of the local government unit, or by a private auditor. The Secretary of State's office encourages the use of local auditors who have met the standards of the State Board of Accountancy. But the National Committee on Municipal Accounting disapproves of awarding audit contracts on a bid basis, and the rules of professional conduct of the Oregon State Board of Accountancy specify that Certified Public Accountants shall not make competitive bids for professional engagements. Competitive bidding for public accounting services, they say, is not in the public interest, is a form of solicitation, and is unprofessional.

The auditing function is of importance to elected officials, because through this device they can determine whether expenditures have been made legally and in accordance with the intent of the governing body. If a preaudit is made, a number of interpretive problems and questions which sometimes arise in the postaudit can be minimized.

LOCAL GOVERNMENT FINANCIAL PLANNING

Elected officials who must balance mounting service costs against scarce financial resources can use long-term financial planning as a tool in establishing priorities and allocating funds to achieve maximum services for every dollar spent. This planning for services and finances should be developed together with the master plan for physical development of the area.

A long-term financial plan consists of, first, a projection of the public services that may be required to serve the population of the area. Second, it has a capital improvement program consisting of a comprehensive list of public improvements by priority that may be needed. Third, it includes cost estimates for annual operations and capital outlay to provide the necessary services and capital improvement; and fourth, estimates of existing funds and, if necessary, new revenue possibilities.

Expenditures listed in the long-range operating budget can likewise be divided into four categories: new programs; new equipment; regular operating funds for current programs; and estimates for costs of providing future capital improvements (e.g., the acquisition of land). Estimates of revenue from existing sources can be analyzed to determine whether these sources are sufficient or whether new revenue sources should be explored.

Financial planning is difficult for various reasons. Local government officials are unable to forecast with precision the amount of funds which may be forthcoming from state and federal governments. Factors such as inflation, population growth and movement, and standards established by federal and state governments are difficult to project. Despite these limitations, a plan for future development can serve as a guide in making current decisions. For a financial plan to be meaningful, it is important that elected officials, as well as specialists and citizens of the community, be involved in developing it.

LOCAL GOVERNMENT PURCHASING PROCEDURES

At one time, government purchasing procedures were generally informal and decentralized, with each officer or department head doing his or her own buying with no bids required. During the past half-century, however, many governments have introduced centralized purchasing systems as a means of fostering economy and efficiency. Where centralized purchasing has been introduced, authority is delegated to one office to purchase all or most of the supplies, materials, and equipment needed for use by the operating branches of the organization. Where purchasing is decentralized, each department or agency must usually fill its needs at retail prices; but with the pooling of department requirements, larger orders can be made which may frequently be filled at wholesale prices, and the use of standard specifications and competitive bidding can be facilitated.

In counties and cities having managers, and in public school districts, the manager is sometimes designated by charter,

ordinance, or policy as the purchasing agent, although he may delegate his responsibilities to a subordinate. In counties where centralized purchasing prevails, the purchasing agent is usually appointed by the board of county commissioners.

Local government units in Oregon have developed cooperative purchasing agreements. These agreements commonly call for local governments serving the same community to exchange specifications and to give notice to the other units of proposed purchasing. These agreements have proven to be most satisfactory in the purchase of such items as tires, gasoline, fuel oil, etc., which are used in great quantities by the units involved.

Another approach to purchasing is for local government units to utilize services of state purchasing departments. In Oregon, statutory provision permits the State Department of General Services to provide centralized purchasing of materials and supplies for local units of government. Purchases may be made through the state with local deliveries by vendors, or supplies may be obtained from state stores. At present, however, the state is not in a position to handle all requests for services because of inadequate facilities.

LOCAL GOVERNMENT DEBT ADMINISTRATION

Oregon statutes contain limitations and other requirements for bonded indebtedness which counties and cities incur from general obligation bonds and special assessments. The statutes authorize counties to contract bonded indebtedness to carry into effect any powers granted to them by law when indebtedness is authorized by the voters. However, statutes limit the aggregate amount of bonded indebtedness of counties to two percent of the true cash value of all taxable property of the county. The bonded indebtedness which cities can incur is limited to three percent for general purposes, but there are no statutory restrictions on the issuance of bonds for financing municipal utilities, water and sewage facilities, hospitals, infirmaries, gas, power, or lighting facilities, or off-street parking. The statutory authority provided for special districts to incur bonded indebtedness varies considerably according to the type of function being undertaken.

Assessments for Improvements. Whenever counties and cities undertake improvements and assess the costs to property which is benefited by such improvements, the citizens who are assessed have the option of paying their obligations in installments. In order to finance the portion of the improvement cost represented by the deferred payments, the county or city may sell "Bancroft" or special improvement bonds.

Under the Bancroft Act, bonds may be issued without a vote of the people, even though they carry the general obligation of the issuing county or city. The amount of bonds issued under the Bancroft Act is limited to three percent of the true cash value of the municipality, regardless of the amount of other outstanding indebtedness, or to nine percent of the true cash value of the city less the bonded indebtedness of the city for general purposes and for municipal utilities that were not self-supporting during the preceding year.

Over an extended time, rather general agreement as to the purposes for which it is proper for local governments to borrow has been reached by various authorities on public finance and groups such as the International City Managers' Association and the Municipal Finance Officers' Association. Borrowing to pay operating costs is uniformly condemned. The types of capital expenses which may be safely and reasonably financed by long-term loans may be categorized as (1) self-supporting enterprises such as water and power systems where the amortization of the debt is sufficiently rapid to keep ahead of depreciation and obsolescence; and (2) projects which are large and costly in relation to a government's current financial resources, provided such projects have long utility and are not of a frequently recurrent type.

Many capital requirements are almost as steadily recurrent in nature as the operating costs of a government unit. These include the routine extension and replacement of facilities, and some types of equipment which are of relatively short-term value. A safe and conservative borrowing policy will exclude such projects even though obtaining funds for them may be difficult during the current fiscal period. Continued borrowing for such purposes tends to pyramid debt. Restrictions on current expense borrowing do not of course apply to short-term loans in anticipation of the receipt of taxes. However, borrowing in anticipation of revenues incurs additional cost.

Management of Bonded Indebtedness. Bonds, according to the method of redemption, are of two general types: sinking fund and serial. Bonds to be financed through a sinking fund become due in lump sum at the end of the term of the loan. They are met by annual payments to the sinking fund of amounts which, when invested in compound interest, will produce the amount of principal by the time it becomes due. Serial bonds are retired by annual installments directly from revenue received by the government unit.

Oregon statutes require that all bonds issued by counties and cities shall be serial bonds, with the first payment of principal falling due not later than five years after issuance for general obligation bonds and two years for special assessment bonds issued under the Bancroft Act. Bonds may not be issued for more than 30 years. The statutes permit combined installments for all general obligation bonds to be in sums that will permit a substantially uniform tax levy for retirement of principal and payment of interest of all outstanding tax-supported bonds to avoid fluctuations caused by bonds issued for different expiration periods.

Revenue bonds provide another form of financing in which both interest and principal may be payable exclusively from earnings. Earnings of a project are relied on exclusively and such bonds have no claim on the general credit or taxing power of the government unit issuing them. They have been

used to finance water systems, electric plants, sewer systems, bus systems, housing, airports, recreational facilities for which charges are made, and various other types of revenue-producing facilities.

With local governments providing an ever-greater number of services to citizens of the community, the amount and type of indebtedness incurred becomes increasingly important. Indebtedness usually cannot be avoided, but effective management will insure that payments on bonded indebtedness are not sufficiently irregular to cause substantial variation in the tax rate, and that accumulation of deficit financing does not occur. Oregon statutes insure a conservative financial policy. Within the framework provided by the statutes, the local government unit has the responsibility for developing and maintaining a financial program tailored to its particular needs.

An integrated finance program including financial planning, budgeting, accounting, and auditing constitutes the most important tool in the executive management of a government unit. It is, therefore, vital that all aspects of financial administration be integrated, that competent officials utilize these tools in the decision-making process.

part III POLITICAL PROCESSES FOR DECISION MAKING

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GOVERNMENT, LIKE ALL INSTITUTIONS OF SOCIETY, MUST RESPOND TO CHANGE; AND IN OUR FORM OF DEMOCRACY, THE NATURE AND DIRECTION OF GOVERNMENT RESPONSE TO CHANGE IS CONDITIONED BY THE EXTENT OF POPULAR PARTICIPATION IN POLITICAL PROCESSES.

Government is dynamic. It adapts to pressure brought about by changing social values and mores of a given society insofar as those governed give support and consent to the process. Government units through which the political process flows must therefore be responsive to changing values, attitudes and ideals, as well as to modern technology of the society they serve.

To be responsive, however, government units must have the participation of an informed and sophisticated citizenry. Effective participation depends on knowledge of both structure and processes of government; but most important, it depends on process, because it is skill in applying political pressure that motivates participation.

A citizen who is motivated and equipped to act politically will soon inform himself about the structure. For instance, anyone who knows that the democratic procedures of government agencies in Oregon include the right of appeal to the courts will have no difficulty in locating the proper tribunal.

To slight the importance of effective popular participation in a time of intense and rapid change is to emphasize the necessity of following strong leadership. But one thing is wrong with reliance on followership as the model for citizenship: If someone can lead you out of the wilderness, someone else can lead you right back in.

This section, then, is devoted to an examination of the ways and means people can effect change in government, and in society through government.

processes for participation

Oregon has a unique political history, and has many times been a precedent-setting state in terms of its philosophy and operation of government. It is important to understand the unusual character of the state and its citizens when contemplating state and local decision-making processes.

Oregonians have been characterized as "cautious progressives." The state has never in its history operated on a deficit basis. Consequently, budget proposals for state and local government operation are frequently the center of extreme controversy. This tendency reflects caution.

Oregon, however, may well be the most experimental of any state in the Union in its approach to solving its own problems. It is the first state to establish a presidential primary and initiative and referendum procedures. It is one of the first states to effect major reorganization in state government to cope with unprecedented problems of expanding population and the shift from a rural to an urban way of life. It is one of the first states to accomplish major reforms in its property tax laws, such as moving away from uniform taxation of dwellings and toward a flexible system based on ability to pay. Long before the United States recognized direct election of Senators, Oregon had created statutory authority for that purpose. Women had the right to vote in Oregon over a decade before the 19th Amendment to the United States Constitution was ratified. These and many other examples of Oregonians' willingness to innovate can be found in the state's history.

Of course it is easy to oversimplify the nature of "the Oregon philosophy." Certain other factors are relevant to a better understanding of where power begins. Thus, the economy is an important element to understand. Citizens' livelihoods often determine where their political interests lie. In Oregon this means government must be responsive to the needs of an agrarian population, an expanding urban society, timber interests, and other businesses dependent upon natural resources, such as fishing and tourism.

Now let's have a look at the person who is practically never attacked, the individual who holds the highest title a free society can award: CITIZEN. What has he done to inspire confidence in self-government? Not, I fear, as much as one would like. Apathetic, self-absorbed and self-serving, too many of us take a free ride, refraining from any distinctive effort to work for the common good. In a vital society, the citizen has a role that goes far beyond duties at the ballot box. He must man the party machinery, support social and civic reform, provide adequate funds, criticize, demand, expose corruption, and honor leaders who actually lead.

One thing the citizen can, indeed must, do is reject fiercely and consistently all politicians who exploit fear and anger and hatred for their own purposes.

—John W. Gardner, "Priorities for the Seventies," *The New Leader* (January 5, 1970)

Within this general framework, what are the ways in which

Oregon citizens can become active participants in state and local government? What are the established procedures for effecting change–*in* government and *through* government? The list should include elections; political party processes; individual and group action; legislation–state and local; lobbies; initiative and referendum; budgeting; boards, commissions, elected and appointed officials; and court processes.

voting: a primary responsibility

CITIZEN POWER IN THE BALLOT BOX*

Whatever social goals motivate people to go into politics, the best way to achieve those goals is to elect candidates who share them. All politicians know how to count votes. Nothing could be more important to the future of American society than the way those votes are distributed on election night in November. On that night they don't count issues, they count votes.

Party leadership, as well as social issues, is at stake in major general elections, unless, as is the case in Oregon, coalitions in the legislature cut across party lines and tend to blur party leadership regardless of election outcomes.

Citizen power in a democracy is in the ballot box, and campaign activity provides as good an opportunity as our system allows to encourage meaningful dialogue between citizens of differing points of view. Such activity stands as perhaps the single most effective form of lobbying yet devised. It may be the best possible counter to the distorting effects of big money in political campaigns. It is a breeding ground for long-range change.

Demographic characteristics indicate people who are least likely to vote include the young, blacks, the poor, the less well educated, women, and people in rural areas. In addition, some research suggests that "local differences in the turnout for elections are to a large extent related to local differences in rates of registration, and these in turn reflect to a considerable degree local differences in the rules governing, and arrangements for handling, the registering of voters."* Thus it may be the more difficult it is to register, the more citizens become nonvoters.

Anthony Downs developed a "cost-gains" theory of voting, suggesting that every rational man or woman decides to vote just as he or she makes all other decisions: If returns outweigh costs, he or she votes; if not, he or she abstains.

In some parts of the country registering to vote is confusing, difficult, and time-consuming. Time is the most obvious cost. In low-income areas where people are likely to be suspicious of government, however, many residents see costs in more tangible terms. There, registering voters in some neighborhoods amounts to convincing people that registration does not subject them to new taxes, new debt obligations, or other financial responsibilities.

REGISTERING AND VOTING IN OREGON

Voter Qualifications

You may *vote* IF:

1. You are registered
2. You have been a resident of Oregon 30 days

Registration Qualifications

You may *register* to vote IF:

1. You are a citizen of the United States
2. You will be 18 or older on election day
3. You are a resident of Oregon

You may *register* to vote the day you become a resident, but you may *vote* only after you have been a resident 30 days. You may register (or re-register) on any day up to and including election day. Registration is permanent, unless:

1. Your address changes
2. Your name changes
3. You want to change political affiliation (but you cannot do this within 30 days of a primary election)

Then you must *re-register*.

Registration Procedures

Oregonians may register by mail. No witness is required.

You may simply get a registration form (available in many public places). Complete it legibly and accurately, and mail it to your County Elections Department (identified on the form itself). You should receive a precinct memorandum card before the next election in which you may vote. If you do not, you should contact your County Elections Department. *You should register to vote at least 30 days prior to an election to get your name in the poll book. If you do not, you may find yourself inconvenienced by having to get a certificate from your county clerk before you can vote.* Any time you change residence, name, or political affiliation, you should re-register at once by completing a new registration form.

If you are unable to appear at your regular polling place on election day, or if you live more than 15 miles from your polling place, you may vote by absentee ballot. You must apply in writing (no form prescribed), sign it, and send or take it to your County Elections Department to get a ballot.

*Adapted from Edward Schneier and William T. Murphy (The Movement for a New Congress), *Vote Power: The Official Activist Campaigner's Handbook* (Palmer Hall, Princeton, New Jersey, 1970). By permission of Prentice-Hall, Inc., Englewood Cliffs, New Jersey.

*See Stanley Kelley, Jr., Richard E. Ayres, and William G. Bowen, "Registration and Voting: Putting First Things First" in *The American Political Science Review* (June 1967).

Voting Procedures

On election day you should present yourself at your precinct and request a ballot. You must state your name for the clerk in charge of the poll book. At a primary election, you must also state your political affiliation. If all is in order, you must sign the poll book; whereupon the clerk will give you ballots, and you may go directly to an unoccupied voting station. If you have questions about procedure, you may ask the clerk before entering the voting station.

Upon leaving the voting station, you must take your voted ballots to an election clerk without revealing their contents.

If you want to know your precinct, or if you have questions prior to your going to your precinct to vote, you may:

1. Consult your *Voters' Pamphlet*
2. Consult your newspaper
3. Phone your county clerk

Primary elections are held the fourth Tuesday in May in even-numbered years from 8 a.m. to 8 p.m.

General elections are held the first Tuesday after the first Monday in November in even-numbered years from 8 a.m. to 8 p.m.

A special election called by a district election authority can be held on:

(a) The second Tuesday in January
(b) The second Tuesday in March
(c) The third Tuesday in April
(d) The fourth Tuesday in May
(e) The last Tuesday in June
(f) The second Tuesday in August
(g) The third Tuesday in September, *or*
(h) The first Tuesday after the first Monday in November

VOTER PARTICIPATION IN OREGON

The 1974 census estimated Oregon's population to be 2,266,000. Of this, 1,558,033 were of voting age.* However, some 38,953 individuals 18 years and older were ineligible (e.g., aliens, institutionalized). Thus the total of eligible voters in Oregon was 1,519,080. Of those eligible, 1,143,073 or 75.2 percent registered to vote; 792,557 or 69.3 percent of those who registered actually voted.

VOTER REGISTRATION FOR GENERAL ELECTION 1974 COMPARED WITH PRIMARY ELECTION 1974

County	DEMOCRATS		REPUBLICANS		OTHERS		TOTAL	
	Primary 1974	General 1974	Primary 1974	General 1974	Primary 1974	General 1974	Primary 1974	General 1974
Baker	5,230	4,897	3,082	2,860	274	267	8,586	8,024
Benton	16,321	15,339	15,416	14,012	2,972	2,897	34,709	32,248
Clackamas	57,655	58,153	41,964	41,037	3,561	3,842	103,180	103,032
Clatsop	10,189	9,355	6,439	5,955	781	741	17,409	16,051
Columbia	11,617	10,757	4,794	4,402	581	555	16,992	15,714
Coos	20,683	18,280	9,277	8,234	1,141	963	31,101	27,477
Crook	3,263	3,317	1,933	1,895	226	254	5,422	5,466
Curry	4,135	4,031	3,025	2,887	419	446	7,579	7,364
Deschutes	11,678	10,467	8,107	7,268	741	591	20,526	18,326
Douglas	21,266	19,448	14,696	13,542	1,311	1,187	37,273	34,177
Gilliam	686	693	550	589	36	35	1,272	1,317
Grant	1,973	1,915	1,711	1,668	122	123	3,806	3,706
Harney	2,116	1,995	1,458	1,345	144	153	3,718	3,493
Hood River	4,044	3,908	2,719	2,581	420	403	7,183	6,892
Jackson	28,009	25,962	23,056	21,384	3,608	3,277	54,673	50,623
Jefferson	2,330	2,287	1,821	1,693	113	123	4,264	4,103
Josephine	12,160	11,143	10,720	9,722	1,065	1,074	23,945	21,939
Klamath	15,166	13,778	10,068	9,089	1,750	1,552	26,984	24,419
Lake	1,931	1,740	1,486	1,375	97	94	3,514	3,209
Lane	78,870	72,774	46,083	42,627	6,383	6,193	131,336	121,594
Lincoln	9,644	8,988	6,292	5,800	910	865	16,846	15,653
Linn	21,625	19,689	14,457	13,179	1,505	1,355	37,587	34,223
Malheur	5,673	5,461	5,731	5,428	299	308	11,703	11,197
Marion	44,804	40,911	38,867	35,878	3,159	2,830	86,830	79,619
Morrow	1,349	1,332	1,016	999	109	116	2,474	2,447
Multnomah	210,187	188,988	114,535	101,959	14,400	12,671	339,122	303,618
Polk	9,516	8,666	8,864	8,267	714	755	19,094	17,688
Sherman	682	667	550	553	51	51	1,283	1,271
Tillamook	6,038	5,590	3,824	3,613	256	232	10,118	9,435
Umatilla	13,232	11,879	10,042	9,188	1,379	1,074	24,653	22,141
Union	6,787	6,074	4,478	4,002	488	414	11,753	10,490
Wallowa	2,354	2,215	1,559	1,360	104	91	4,017	3,666
Wasco	6,495	5,787	4,216	3,826	456	395	11,167	10,008
Washington	51,989	44,122	48,647	41,737	5,011	4,060	105,647	89,919
Wheeler	602	582	461	435	26	33	1,089	1,050
Yamhill	11,239	11,224	9,655	9,278	847	972	21,741	21,474
TOTAL	711,538	652,414	481,599	439,667	55,459	50,992	1,248,596	1,143,073

*This figure was used by the Secretary of State to estimate the numbers and percentages following; later it was found to be 1,586,430 (1,336,430 18–64; 250,000 65 and over), although the increase would not substantially change the percentages or resulting numbers. Registration figures from Secretary of State.

COMPARATIVE VOTER PARTICIPATION

PRIMARY ELECTIONS

	DEMOCRATIC			REPUBLICAN			OTHERS			TOTAL		
	Registration	Voted	Percent	Registration	Voted	Percent	Registration	Voted	Percent	Registration	Voted	Percent
1966	507,603	267,808	52.8	399,297	244,148	61.1	17,441	4,821	27.6	924,341	516,777	55.9
1968	550,121	394,454	71.7	428,626	324,023	75.6	17,915	6,954	38.8	996,662	725,431	72.8
1970	557,189	300,022	53.8	437,188	260,914	59.7	23,640	7,625	32.3	1,018,017	568,551	55.8
1972	656,572	420,523	64.0	464,797	301,510	64.8	37,342	12,518	33.5	1,158,711	734,551	63.4
1974	711,538	330,163	46.4	481,599	251,147	52.1	55,459	11,862	21.4	1,248,596	593,172	47.5

GENERAL ELECTIONS

	DEMOCRATIC			REPUBLICAN			OTHERS			TOTAL		
	Registration	Voted	Percent	Registration	Voted	Percent	Registration	Voted	Percent	Registration	Voted	Percent
1966	518,228	363,864	70.2	412,586	317,545	77.0	19,011	12,387	65.2	949,825	693,796	73.0
1968	530,074	439,706	83.0	420,943	368,887	87.5	20,834	15,969	76.6	971,851	824,562	84.8
1970	521,662	360,962	69.2	410,693	297,234	72.4	23,104	13,682	59.2	955,459	681,381	71.3
1972	673,710	521,190	77.4	473,907	394,604	83.3	50,059	37,582	75.1	1,197,676	953,376	79.6
1974	652,414	443,039	67.9	439,667	322,157	73.3	50,992	27,361	53.7	1,143,073	792,557	69.3

politics: a second responsibility

OREGON'S SPLIT-TICKET POLITICS

Oregon is the nation's only commonwealth run like a New England town meeting, according to Harry Bodine, formerly political writer for the *Oregonian*.

"I don't belong to an organized political party," Will Rogers once joked, "I'm a Democrat."

What the famed comedian said 50 years ago, wrote Bodine in 1971, still stands as far as Oregon's political system is concerned—for Republicans as well as Democrats.

The state's political structure was much like the rest of the country until a reformer named William S. U'Ren sold the legislature and the voters on the initiative and referendum in the early 1900's. Since then, Oregon has plunged down a political trail uniquely its own.

To an outsider, the prospect of the only legislature in the nation unable to attach an emergency clause to tax legislation, a constant trek to the polls to vote school budgets, fire district bond issues, and a host of ballot measures often appears as a scatterbrained way of doing business. But Oregonians, embarking on this course in 1906 and embellishing it from time to time, have come to enjoy its benefits and frustrations and have stoutly resisted any serious tampering.

On the national level, the Oregon system's power reaches its zenith in the wide-open presidential primary which has short-circuited a number of candidacies and "made" others.

The theory is that "the people" do the deciding. Ask a typical Oregonian how he or she votes and the reply won't be "straight ticket" except in rare cases. The stock answer is, "I vote for the person."

This independent, detached approach to voting might drive a Chicago ward boss straight out of his mind, which may be one reason why his counterpart is a vanished species in Oregon. No political leader can "deliver" a county or political subdivision in this state. Based on voter registration, Oregon is a Democratic state. Of 1,195,290 registered voters in March 1976, 677,887 were registered Democrats (57%), 447,400 Republicans (37%) and 70,003 Independents or others (6%). In November 1974, Oregonians voted predominantly Democratic tickets at the polls. They elected Democrats to all four Congressional seats and 38 Democrats and 22 Republicans to the Oregon House.

The only sure-fire bastions where one party triumphs repeatedly are found in Multnomah County legislative subdistricts. There Republicans have never lost the west side and Democrats win election after election in north Portland, east county, and the south city.

Oregon's registration law for many years channeled all but about two percent of the electorate into either Democratic or Republican camps because voters must declare their preference in order to cast primary ballots. For example, in a decade of primaries from 1960 through 1968, an average of only about 1.6 percent of the registered voters were not declared as either Democrat or Republican. Since 1970, however, this picture has been changing. While some observers argue that more voters are not declaring as Democrat or Republican because of Oregon's registration-by-mail law (effective September 1975), it may be more likely Oregon's picture merely mirrors a national trend. Voters everywhere seem less inclined to want to be identified as either Democrat or Republican. In Oregon in 1970, over two percent registered as "other"; in 1972, over three percent; in 1974, nearly 4.5 percent. By mid-1976, nearly seven percent had declared as "other."

But after the primary, Oregonians typically range all over the political landscape making their November choices.

Those who labor within the party structures are Oregon's true silent activists. Neither party regularly fills all of its precinct committee posts around the state. Normally one-third to one-half are vacant. Unlike their counterparts in some Eastern states, county and state chairpersons and national committeepersons are little more than fund raisers and spear carriers in Oregon. Their power is limited to party structures. Those who seek these jobs find them a lot of work (if they feel ambitious and dedicated), affording precious little glory.

Successful candidates typically try to keep the party workers happy and then concentrate their major efforts on the independently oriented public. Experience has shown them it's the way to win.

POLITICAL PARTY ORGANIZATION IN OREGON

Oregon statutes define a major political party as "an affiliation of electors whose candidates for presidential electors receive at least 20 percent of the entire vote cast for that office at the last presidential election."

As provided by law, at each state primary election, the two major parties in Oregon elect precinct committeemen and committeewomen–one committeeman and one committeewoman for each 500 registered electors, or major fraction thereof, in a precinct. Each party has county central committees composed of the precinct committeemen and committeewomen in the county. They govern the party within the county, elect the members of various other party committees within the state, and fill vacancies that occur in precinct and central committee offices between elections.

Each party has a state central committee composed of two delegates from the county central committees. Oregon law requires that each state central committee must hold an initial, organizational meeting not earlier than 55 days and not later than 75 days after the primary election. The state central committee of each party governs the party, fills vacancies in the nomination of candidates for United States Senator or any state office to be voted for in the state at large.

Each major party must select delegates to its national convention. These delegates are selected at a convention held not sooner than 30 days and not later than 40 days after a presidential preference primary election. The number of delegates to each national convention is selected by congressional district and is equal to the number of delegates allotted to the State of Oregon by each national committee.

At the convention, delegates are selected in such manner that the number of delegates who favor a certain candidate represent the proportion of votes received by that candidate in the presidential primary. Persons selected as delegates must sign a pledge saying they will support that presidential candidate until such candidate is nominated at the convention, receives less than 35 percent of the votes for nomination at the convention, releases the delegate from the pledge or until two convention nominating ballots have been taken.

A national committeeman and a committeewoman are elected from each party for a four-year term. They are elected in the state at large at the primary election preceding each presidential election and they serve as Oregon's representatives on national party committees.

Delegates to each party's national convention are also elected in the primaries and their votes are pledged to the presidential candidate named in their election petitions. Within 35 days following their election, delegates must name an alternate and file the alternate's name and address with the Secretary of State. An alternate is bound to the same pledge as the delegate he or she would replace.

Candidates for party convention delegate must file a petition with the Secretary of State signed by not more than 500 voters of their party. Delegates' candidacy petitions must state the name of the person they support for President of the United States, or carry the word "uncommitted."

Party delegates to the national conventions nominate presidential and vice presidential candidates. Presidential electors vote in the electoral college after the national election to choose the President and Vice President. Oregon is entitled to six presidential electors (a number equal to its members in Congress). Each party selects six at its state party convention held in the years in which a President and Vice President are to be elected. Electors pledge to vote for the candidates of their party's choice. Electors from the party whose candidates win the national election then vote in the electoral college

NOMINATION AND RECALL PROCEDURES

Major Political Party Candidates. At the primary election held in May preceding a general election, the major parties nominate their candidates for each partisan public office to be filled. The following are partisan offices to which major parties may nominate candidates:

(1) United States Senator
(2) United States Representative
(3) Governor
(4) Secretary of State
(5) Commissioner of the Bureau of Labor
(6) State Treasurer
(7) State Senator
(8) State Representative
(9) County and city officers (but in very few instances are city candidates nominated at a partisan primary)

Qualified electors of a major party may file for nomination by either the petition or declaration method. They file with the Secretary of State, county clerk or city clerk, recorder, or auditor, not later than 70 days before the primary election (around March 15). Following the election, a certificate of nomination must be issued by the appropriate elections official after it has been determined that a candidate is eligible and has met all requirements of the law.

Minor Political Party Candidates. Oregon has not had any significant minor political parties for several decades; however, the statutes make provision for the establishment of such parties and for their nomination of candidates.

To qualify as a minor party, an organization of electors must file with the Secretary of State a petition with the signatures of enough qualified electors of the district to equal at least five percent of the votes cast for U.S. Representative in the last general election in the district.

QUALIFICATIONS OF CANDIDATES

All candidates must be fully qualified Oregon electors. Except as otherwise noted all candidates must be at least 18. Retirement age for all state judges is 75.

In addition to other qualifications, each person *appointed* to fill a vacancy in an elective partisan office must be registered as being affiliated with the same political party as his elected predecessor.

United States Senator:
1. Age: 30
2. Citizenship: Must have been a U.S. citizen for nine years
3. Residence: Must be an inhabitant of the state
4. Party affiliation: Stated by candidate
5. Term of office: Six years
6. Vacancies: Governor appoints a qualified person to hold office until a successor is regularly elected [Art I, U.S. Const; Art V, 16, OR Const; ORS 236.130]

United States Representative:
1. Age: 25
2. Citizenship: Must have been a U.S. citizen for seven years
3. Residence: Must be an inhabitant of the state
4. Party affiliation: Stated by candidate
5. Term of office: Two years
6. Vacancies: Governor calls a special election to elect a successor [Art I, U.S. Const; ORS 236.120 and 249.654]

Governor:
1. Age: 30
2. Citizenship: Must be a U.S. citizen
3. Residence: Must have been a resident of the state for the three years preceding the election
4. Party affiliation: Stated by candidate
5. Term of office: Four years. May serve only two successive elected terms
6. Vacancies: In order, the following succeed to the governorship:
   1/ The Secretary of State
   2/ The State Treasurer
   3/ The President of the Senate
   4/ The Speaker of the House

   The successor serves until the disability is removed or until the next regular biennial election [Art V, 8, OR Const]

Secretary of State:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the state
3. Party affiliation: Stated by candidate
4. Term of office: Four years. Eligible for election to only two successive terms
5. Vacancies: Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election [Art V, 16, Art VI, OR Const]

State Treasurer:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the state
3. Party affiliation: Stated by candidate
4. Term of office: Four years. Eligible for election to only two successive terms
5. Vacancies: Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election [Art V, 16, Art VI, OR Const]

Attorney General:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the state
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is regularly elected [Art V, 16, OR Const, ORS 180]

Commissioner of the Bureau of Labor:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must have been a resident of this state for over five years preceding election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is regularly elected at the next regular biennial election [ORS 651.030, Art V, 16, OR Const]

Superintendent of Public Instruction:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the state
3. Party affiliation: Nonpartisan
4. Term of office: Four years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election [Art V, 16, OR Const]

District Attorney:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the state
3. Party affiliation: Nonpartisan
4. Term of office: Four years
5. Vacancies: Governor appoints a qualified person to hold office until the next regular biennial election
6. Special: At the time of his election, the candidate must have been admitted to practice in the Supreme Court of Oregon [Art VII, OR Const; ORS 8; 236.137]

State Senator:
1. Age: 21 (will be 18 *if* voters approve Measure No. 3 at the general election in November 1976)
2. Citizenship: Must be a U.S. citizen
3. Residence: Must have been a resident of the county or district he represents for at least one year preceding his election
4. Party affiliation: Stated by candidate
5. Term of office: Four years
6. Vacancies: If a vacancy occurs during the session or before the session and after any election at which the vacancy could be filled, the county courts or boards of commissioners appoint a qualified person; otherwise, the voters fill the vacancy at the next regular biennial election [Art IV, OR Const; ORS 171.050]

State Representative:
1. Age: 21 (will be 18 *if* voters approve Measure No. 3 at the general election in November 1976)
2. Citizenship: Must be a U.S. citizen
3. Residence: Must have been a resident of the county or district he represents for at least one year immediately preceding his election
4. Party affiliation: Stated by candidate
5. Term of office: Two years
6. Vacancies: If a vacancy occurs during the session or before the session and there is no intervening election at which the office could be filled, the county courts or boards of commissioners appoint a qualified person to serve; otherwise, the voters fill the vacancy at the next regular biennial election [Art IV, OR Const; ORS 171.050]

Supreme Court Judge:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must have been a resident of Oregon for the three years immediately preceding his election or appointment
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until the next regular biennial election
6. Special: At the time of his or her election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court [Art VII, OR Const; ORS 1.314; 2.020]

Court of Appeals Judge:
1. Citizenship: Must be a U.S. citizen
2. Residence: See No. 6 below
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until the next regular biennial election
6. Special: At the time of his or her election or appointment, the candidate must have been admitted to the practice of law in this state and be a qualified elector of the county of his residence [c.198, OL 69]

Tax Court Judge:
1. Citizenship: Must be a U.S. citizen
2. Residence: See No. 6 below
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until the next regular biennial election
6. Special: At the time of his or her election or appointment, the candidate must have been admitted to practice for three years in the Oregon Supreme Court [ORS 305.452; 305.455; 305.460]

Circuit Court Judge:
1. Citizenship: Must be a U.S. citizen
2. Residence:
   a. Must have resided in Oregon at least three years and have principal office in or be a resident of his judicial district for at least one year immediately prior to appointment or becoming a candidate for election
   b. Judge may reside within 10 miles of the boundary of the judicial district if the district has a population of 500,000 or more according to latest federal decennial census. (Multnomah County)
   c. First Judicial District: Two judges in Jackson County and one in Josephine County
   Eleventh Judicial District: One judge in Crook, Deschutes, or Jefferson County and one in Gilliam, Grant, or Wheeler County
   Twelfth Judicial District: One judge in Polk County and one in Yamhill County
   Nineteenth Judicial District: One judge in Clatsop County, one in Columbia, and one in Tillamook County
   Twenty-first Judicial District: Two judges in Linn County, two in Benton County [ORS 3.041]
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is elected at the next regular biennial election
6. Special: At the time of his or her election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court [Art V, VII, OR Const; ORS 1.314; 3.041]

District Court Judge:
1. Citizenship: Must be a U.S. citizen
2. Residence:
   a. Must be a resident of or have principal office in the county in which district is located for one year and a resident of Oregon three years prior to becoming candidate
   b. In district of 500,000 or more, judge may reside within ten miles of boundary of county
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is elected at the next regular biennial election
6. Special: At the time of his or her election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court but cannot engage in the practice of law during his tenure as District Court Judge [Art V, 16, OR Const; ORS 46.610; 46.630]

Justice of the Peace:
1. Citizenship: Must be a U.S. citizen
2. Residence: For a period of not less than six months next preceding his election has been, and then is, a resident of the district wherein he is elected.
3. Party affiliation: Nonpartisan
4. Term of office: Six years
5. Vacancies: Governor appoints a qualified person to hold office until a successor is elected at the next regular biennial election [Art VII, OR Const; ORS 51]

County Commissioner:
1. Citizenship: Must be a U.S. citizen and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: County court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election [Art VII, OR Const; ORS 204; 236.210]

FEES FOR DECLARATION OF CANDIDACY
(major party & nonpartisan only)

U.S. Senator	$150
U.S. Representative	100
Statewide Offices	100
Governor	
Secretary of State	
State Treasurer	
Attorney General	
Supreme Court Judge	
Court of Appeals Judge	
Tax Court Judge	
Commissioner, Bureau of Labor	
Superintendent, Public Instruction	
County Offices	50*
including Circuit Court Judge	
District Court Judge	
District Attorney	
State Senator	25
State Representative	25
National Committeeman or Committeewoman	15
District Offices within County	10*
including Justice of the Peace	
Precinct Committeeman or Committeewoman	___*

*file with County Clerk

Sheriff:
1. Citizenship: Must be a U.S. citizen, and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Qualifications: Be certified or eligible for certification by the Board on Police Standards and Training. Have at least four years experience in law enforcement or two years post-high school education, or any combination of experience or education for at least four years
6. Vacancies: County court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election [Art VI, VII, OR Const; ORS 204; 206.015; 236.210]

County Treasurer:
1. Citizenship: Must be a U.S. citizen and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: County court or board of commissioners appoints a

qualified person to serve until a successor can be elected at the next regular biennial election [Art VI, OR Const; ORS 204, 236.210]

County Clerk:
1. Citizenship: Must be a U.S. citizen, and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: County court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election [Art VI, VII, OR Const; ORS 204; 236.210]

County Assessor:
1. Citizenship: Must be a U.S. citizen and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: County court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election [Art VI, OR Const; ORS 204; 236.210]
6. Special: At the time of his or her election, the candidate must be a certified appraiser or appraiser trainee under ORS 308.010 and must have either two years of office and accounting experience, including experience in office management activities, or two years of full-time employment in the office of a county assessor [ORS 204.016]

County Surveyor:
1. Citizenship: Must be a U.S. citizen and elector of the county
2. Residence: Must have been a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: County court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election
6. Special: County residence requirement does not apply in counties whose population is less than 20,000. Must be registered under the laws of the state as a registered professional engineer or a registered professional land surveyor [Art VI, OR Const; ORS 204.016]

County Auditor:
1. Citizenship: Must be a U.S. citizen
2. Residence: Must be a resident of the county for one year immediately prior to election
3. Party affiliation: Stated by candidate
4. Term of office: Four years
5. Vacancies: Board of county commissioners or county court appoints a qualified person to serve until a successor can be elected at the next regular biennial election [Art VI, OR Const; ORS 210.110; 236.210]
6. This officer is elected only in Multnomah County [ORS 210]

Precinct Committeeman or Woman:
1. Citizenship: Registered elector
2. Residence: A resident of his or her precinct
3. Party affiliation: A registered member of the major political party he or she wants to represent
4. Term of office: From date of organizational meeting of the central committee following a primary election until date of the next organizational meeting
5. Vacancies: Filled by ORS 248.043

Once established, a minor political party has the authority to nominate by certificate of nomination one candidate for each partisan office to be filled at the general election.

Nonpartisan Candidates. Candidates for nonpartisan offices to be filled at the general election must be nominated at the primary election unless only one candidate for an office has filed. Oregon has the following nonpartisan elective offices:

(1) Superintendent of Public Instruction
(2) Supreme Court Judge
(3) Court of Appeals Judge
(4) Tax Court Judge
(5) Circuit Court Judge
(6) District Court Judge
(7) District Attorney
(8) Justice of the Peace

Candidates for these offices may file by declaration or petition in the same manner as provided for political party candidates. Certificates of nomination are issued after the primary election.

Assembly of Electors' Candidates. An assembly of electors is an organized body of not less than 250 registered electors of the county, precinct, or other electoral district in which it wishes to nominate candidates, and 1,000 registered electors in the case of statewide nomination of candidates. An assembly of electors can organize by publishing a notice of meeting not less than ten days ahead of time in at least three newspapers of general circulation in the state, and the law prescribes what the notice must contain. Their candidates are listed on the ballot as "independent."

Individual Electors' Candidates. Individual registered electors may propose candidates by certificate of nomination for election to all offices to be filled at the general election. Certificates nominating candidates for statewide election must carry a number of signatures of registered electors equal to not less than three percent of the total vote cast for presidential electors in the last general election; for district offices, not less than five percent; for precinct offices, not less than ten percent; for justice of the peace, not less than ten percent or not less than 100.

Election Laws and *Voters' Pamphlet*. Oregon election laws contain specific requirements for acceptance of nominations, withdrawals, filling vacancies, statements of contributions and expenditures, and *Voters' Pamphlet* materials.

In Oregon, a *Voters' Pamphlet* is mailed to each post office mailing address not later than the 15th day before each primary, general, or special election. The post office is advised not to forward the pamphlet if the elector's address is incorrect or the elector has moved. The pamphlet includes:

(1) Instructions to the voter
(2) An impartial, simple and understandable statement explaining each measure and its effect (a five-member committee who drafts the statements is made up of two members selected by proponents of a measure, two members selected by the Secretary of State from opponents–if any–and one member selected by the four previously selected)
(3) Statements submitted by individual candidates concerning their qualifications and reasons why they think they should be elected, and a portrait not over one year old

Space in the *Voters' Pamphlet* ranges from $150 to a minimum of $50.

Complete instructions and information concerning Oregon's election laws may be obtained from the Elections Division of the Secretary of State's Office in Salem.

Recall of Elected Officials. A petition asking for the recall of any elected official may be filed by any registered elector. Notice of intent to circulate a recall petition must be filed with the election officer with whom the official's nomination certificate was originally filed. The recall petition itself must be completed on or before the nineteenth day after the filing of the original notice. It requires the signatures of qualified voters residing in the electoral district at least equal in number to 25 percent of the votes cast in the district for the position of Judge of the Supreme Court receiving the greatest number of votes at the preceding general election. Signatures are verified by the county clerk.

A petition which advocates the recall of any officer may not be circulated until the officer has actually held office for six months, except that such a petition may be filed against senators or representatives in the Legislative Assembly any time after the first assembly following their election has been in session five days.

An official facing recall may resign within five days following the filing of a completed petition, but if he or she does not resign, a special election must be held within 20 days after the expiration of the five-day waiting period. The official facing recall continues to perform his or her duties until the election results are declared.

Those advocating or those opposing recall must appoint a treasurer as fiscal agent and observe legal requirements for accepting and reporting contributions.

OREGON'S PRESIDENTIAL PREFERENTIAL PRIMARY

In 1959 the Legislative Assembly enacted a statute now commonly referred to as the Oregon Presidential Preferential Primary Law. The enactment of this unique law was the first of its kind in the United States and has been generally copied by the states of Nebraska and Wisconsin.

In introducing the proposed legislation the sponsors clearly stated the purposes of the law:

(1) To force candidates for President of the United States to campaign in Oregon.
(2) To establish Oregon as an "important" state in the eyes of the rest of the nation.

To run for public office in Oregon on any level is a most arduous task. The people of this state demand the right to see and meet the candidates, to shake their hands, to be able to question them face-to-face and to criticize openly the candidates and their views in "town hall" meetings.

Oregonians tend to resent being bypassed by national candidates during their campaigns. Oregon is a small state and has only six votes in the electoral college. Most presidential candidates would not regard them as crucial, but the people here want those votes to count.

Some controversy resulted during the initial Senate hearing on the measure. For instance, the bill as it was initially introduced did not contain any provisions for a candidate's withdrawal. Some people felt this proposed law would give to the Secretary of State too much power, power which could be used to manipulate. Others felt the new law would prematurely force aspiring candidates to declare themselves and thereby jeopardize their positions, and would prolong the campaign periods. Once these objections were overcome in Senate committee, the bill passed both houses with very little floor discussion.

From 1959 to 1967 no effort was made to amend or repeal these provisions. In 1971 the withdrawal provision was repealed.

Oregon has been visited by almost all candidates for President during election years.

How are names placed on Oregon's preferential primary ballot chosen? The Secretary of State subscribes to Oregon and national newspapers and periodicals. Such newspapers and periodicals are read with an eye toward clipping news stories, editorials, feature articles, and poll results which in any way mention individuals or organized groups which show support or national advocacy for candidates of the major political parties.

Because the definition of "major political party" in Oregon law is so written that only the Republican and Democratic parties may participate in a primary election, independent or third-party candidates cannot be considered as possibilities for the Oregon Presidential Preferential Primary.

"REGIONAL" PRESIDENTIAL PRIMARY

In 1976 Oregon participated in the first "regional" presidential primary in the nation. Idaho and Nevada were able to arrange to hold their presidential primaries on the same date as Oregon had scheduled. The arrangement was reached unofficially among the Secretaries of State of the three states, no statute being required. The purpose of the regional primary is to make sure that, as a growing number of states with large populations hold primaries, presidential candidates do not neglect the small population states of the Northwest.

ad hoc citizen power

ALTERNATIVES TO POLITICAL PARTY LEADERSHIP

The importance of political parties has derived from their

ability to:

(1) Develop vigorous leadership
(2) Arouse popular interest in issues
(3) Rally the people in support of (or in opposition to) a program
(4) Bring criticism effectively to bear
(5) Provide a vehicle for the exercise of public accountability*

Political parties, however, are not the only means for achieving these ends. Citizens can, and sometimes do, take successful individual or unofficial group action to build new leaders, arouse public interest in an issue, or influence official decisions.

Coxey "Armies."** In the early part of 1894, numerous "armies" of unemployed were "marching" to Washington, D.C., to petition Congress for issuance of $500,000 noninterest-bearing bonds for improvement of roads—the object being to afford employment for idle men. The movement was headed by Jacob S. Coxey of Massillon, Ohio, who in November 1893 announced that he intended to lead 100,000 men to the national capital. Coxey, with his followers, reached Washington May 1, attempted to make a speech from the Capitol steps, and was arrested and imprisoned 20 days for stepping on the grass.

Oregon and Washington had numerous "commonweal" companies of this "army," the members of which an editorial severely scored in *The Oregonian,* calling them "herds of vagrants." The editorial asserted that the men should make employment for themselves at tasks which the country needed done, and should not be fastidious about the kind of work available, the pay, or the hours of employment. The "armies" retorted with threats of riots.

On April 27, 1894, an "army" at Troutdale, Oregon, some 18 miles east of Portland, seized a train of the Oregon Railway and Navigation Company and started for Washington, D.C. Their train was halted at Arlington, Oregon, by United States cavalry troops sent from Walla Walla, on orders from President Cleveland. The troops brought the "army" before the United States district court at Portland, where Judge C.B. Bellinger reprimanded some 439 members and released them. A mob of Coxey followers, incensed by the denunciatory articles of *The Oregonian,* surrounded the establishment of that newspaper on April 30, 1894. While the mob was clamoring, Mr. Scott was writing a denunciatory editorial which was published next morning. Friends of the editor, fearing for his personal safety, surrounded him in *The Oregonian* building at Sixth and Alder streets, armed with rifles. The mob dispersed without violence.

The 1932 Bonus March.* "The Bonus March started in Portland, Oregon, early in 1932 with 300 veterans led by ex-Sergeant Walter W. Waters. Their aim was to march across the country and ask Congress to pass the Patman Bill for immediate payment of a bonus that World War I soldiers were scheduled to get in 1945. Because they were all veterans, they fell into military discipline. They caught freight trains and camped. As word of their mission spread, thousands of unemployed veterans drifted along to join them. It was better than staying at home, and the idea of being in an "army" again was appealing. The numbers grew. On June 8, 1932, 8,000 veterans paraded down Pennsylvania Avenue. Neither Waters nor the Communists, who were accused of starting the March, nor the Washington police had expected so many, but there was no violence, no disorder. Crime actually declined in the District of Columbia while they were there. So many of the veterans were violently anti-Communist—their *B.E.F. News* praised Hitler and Mussolini—that the Communists who tried to infiltrate their ranks appealed to Washington Police Commissioner Pelham D. Glassford for protection.

"Once they arrived in Washington they did not seem to know what to do. When news of the defeat of the Patman Bill was announced to them, Hearst columnist Elsie Robinson whispered to Waters that he should tell the men to sing 'America.' They did. Hoover flatly refused to talk to them. Instead, he ordered regular Army troops to disperse the men. General Douglas MacArthur burned their shacks and routed them out with gas. Stunned, they broke and fled....

"Hoover thought that the Bonus Army was a mixture of hoodlums, ex-convicts, Communists, and a few veterans, and he stuck to this view even after careful investigation by the Veterans Bureau and the Pennsylvania State Department of Welfare failed to substantiate it. Most people who read about the Bonus March in the newspapers thought the marchers intended to start a revolution.

"The truth was more frightening. The unemployed veterans of the war to save democracy were superfluous people—thousands and thousands of them marching, camping, and huddling together for sheer human warmth."

Poor People's March on Salem.** In 1968 Governor Tom McCall was presented with a list of specific legislative proposals to help the poor at the conclusion of the "Poor People's March" on Salem.

Some 2,500-5,000 persons were expected to participate in a march as a first step toward making Oregonians aware of the problems of the poor in the state. The marchers stayed at the State Fairgrounds in Salem, then moved to the steps of the Capitol to present their list to McCall. It included proposals for such things as tax incentives for industry to

*Marvin A. Harder, *Nonpartisan Elections: A Political Illusion.* (New York: Henry Holt and Company for the Engleton Foundation, 1958).
**Harvey W. Scott, *History of the Oregon Country,* Volume III, compiled by Leslie M. Scott (Cambridge: Riverside Press, 1924).

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**Excerpts from *The Oregonian,* May 28, 1968.

move into disadvantaged areas, a state-level bonding program to provide scholarships for the poor, and minimum housing standards for migrant farm labor camps.

The march was sponsored by the student governments of the University of Oregon and Oregon State University, the state Young Democrats, the University of Oregon Black Student Union, Students for a Democratic Society, Campus Draft Committee, and the Church Community Action Program.

People for Portland.* Perhaps one of the most unique instances of unofficial citizen intervention in government decision making occurred in Oregon in 1970 when Portland faced a potential human disaster of the kind that Chicago, Berkeley, and Santa Barbara had already experienced.

As plans were being made to welcome the National Convention of the American Legion, a national youth organization calling itself the "People's Army Jamboree" announced that it would also hold its first national convention in Portland with the intention of promoting a peaceful confrontation with the American Legion over disagreements concerning the Viet Nam war. There was little doubt that although the intentions of the leadership of both organizations might be to confine such a confrontation to peaceful debate, the potential for violence was great.

Other cities facing this kind of problem had based their plans for protecting property and life on the theory that they must be prepared to meet force with force. Frequently, the tactical units used to prevent violence were city police, the national guard, or federal troops. Results were always the same–violent confrontations which resulted in the destruction of life and property. Many citizens thought public officials at both state and city levels were preparing to handle the potential problems in the traditional manner–strict enforcement of the laws and punitive or remedial rather than preventive or preserving action. Individual citizens in Portland with experience in the use of group dynamics had serious reservations about the potential effectiveness of these contingency plans and the effort known as People for Portland grew out of their concern and organizational efforts.

By telephone and word of mouth, a small corps of about five people communicated their mutual concern to each other and to about 125 friends and acquaintances who agreed to attend an informal meeting to explore alternatives. As a result of this large group meeting a steering committee was formed, and the efforts were made to bring representatives of various public officials at all levels into the planning.

The steering committee of this unofficial, purely voluntary citizens group studied the literature of militant groups to learn what it could of radical tactics for disruption and to develop counter strategies. Convinced that highly structured, inflexible plans to meet force with force, wherever outbreaks might occur, would only serve the purposes of any radical elements that might be planning to use the People's Army Jamboree for their own purposes, the steering committee sought more creative alternatives. With the cooperation of the Governor and other state and city officials, plans were made to hold a rock music festival at McIver Park, about 20 miles outside the city. The plan worked. Thousands of young people were drawn to the festival and those with plans for instigating violent confrontations on the city streets could not overcome the logistical problem of getting the People's Army Jamboree back into Portland, away from the music, free food and shelter, and unstructured fun at McIver Park.

Citizens initiated the drive to gather used clothing and truckloads of produce to donate to the encamped People's Army Jamboree. In addition, People for Portland promoted opportunities for peaceful dialogue, rumor control, and dissemination of factual material about happenings throughout the metropolitan area. Citizen marshals prevented confrontation with soft-spoken, sincere tactics of a host in his own home. Police frequently sidestepped confrontations in favor of People for Portland groups who were adept at spotting and preventing potentially violent situations from developing.

Consensus of the press and other civic groups was that People for Portland had found a citizen-to-citizen approach, a new form of "creative planning" to avoid political and social conflict. The approach had worked and state and city government had backstopped the people in a way that had rarely been seen outside textbook situations in recent decades.

OSPIRG. After consumer advocate Ralph Nader appeared in Oregon in 1970, a spontaneous response from Oregon students at 21 state and private colleges launched OSPIRG–Oregon Student Public Interest Research Group. By the time a steering committee had been formed at a statewide meeting in Salem, 25,000 students had signed petitions supporting the concept. In the summer of 1971, 32,000 students had joined the organization, received approval to tax themselves $1 per quarter, and hired ten full-time lawyers and other specialists to work with several teams of students and faculty members to do research and help solve environmental and consumer protection problems in Oregon. The effort was an entirely unofficial one in terms of government sponsorship or financial support.

By 1975 only about 1,000 students per year showed an interest in OSPIRG, the legal staff had been limited to three lawyers, and college interns were carrying on a large share of the work.

CIVIL DISOBEDIENCE AS AN INSTRUMENT FOR CHANGE

"There is no way for a citizen to challenge the constitutionality of a law except by breaking it. This paradoxical procedure is not only recognized by the judicial process; it

*As recorded in an interview with Mike Ragsdale, Co-Chairman of People for Portland.

is actually encouraged. Even after a court (including the highest court) has sustained a law, disobedience is an accepted way of challenging it and has reversed innumerable decisions which otherwise would have stood."

"Whoever breaks the law for whatever reason—call it what he will—is a common criminal, however uncommon a man with however uncommon a motivation. What jurisprudence calls equity may suspend the sentence of the starving man who filched a loaf of bread . . . ; legend may acquit Robin Hood for the use he made of the money he stole; and history may acquit Gandhi for having taken salt from the sea without paying the British salt tax—but they are criminals all, along with every first and last signer of the Declaration of Independence—lawbreakers 'laying the axe to the root of all established government.' In equity we try to distinguish between the conscientious and the unconscionable criminal. If he transgresses openly, and not furtively, and freely accepts the consequences of his crime and 'turns himself in' to pay the penalty, he seems to be conscientious; thus Gandhi, pleading guilty of 'evading' the salt tax, asked for the 'highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen.' But John Brown is thought to have been conscientious, too, and he neither surrendered himself nor invited the penalty he paid. So, too, he who means to commit the crime in the interest of others and not in his own, or (though he, too, may be a beneficiary) means to attack a social injustice, seems to be conscientious; but it may be that the conscientious or unconscionable Negro who refuses to move to the back of the bus may in fact mean neither; and it is possible, even probable, that some of the white and black militants 'liberating' university buildings on behalf of Negro rights are not as much interested in Negro rights as they are in promoting what is sometimes called a rumble. Men's motives are marvelously mixed, and just as marvelously inaccessible to definite determination by courts of law; and in any case they are peripheral to the problem here.

"The problem here is the individual's obedience and disobedience to The State in the person of its laws, not the purity of his motivation or the consequences of his act. He says he means to change a bad law and has no other objective. He is wrong, though his course of action may (like that of Martin Luther King or the rioters of the ghetto or the campus) actually have that effect. There is only one way for a citizen to change the law and that way is prescribed by his country's Constitution. . . .

"There are two immediate difficulties here, both of them suggestive that The State in fact brooks no claim whatever to a 'higher law.' The first is the *insignificance* of conscience *vis-a-vis* The State: What is a conscience for, and how can the 'rights of conscience' be argued, if the superior right of The State is acknowledged to slap down a man every time he exercises it? Here is an empty 'right,' if ever there was one . . . .

"The second difficulty is as troublesome. I am told that the way to change the law is to campaign for its amendment or repeal by a better law—and meanwhile to go on obeying it. I am told by the *Washington Post* that 'those who disagree with the policies of the government have available to them a whole arsenal of orderly and lawful devices for changing those policies. Those who dislike an administration in power have a whole assortment of democratic processes by which the administration can be changed. The proper place for opposition is on the forum, the hustings, and at the ballot box. The proper means is orderly debate and argument.' Good enough, if the obedience required of me does not violate my conscience until such time as, by orderly debate and argument, I have persuaded a majority of my country to change the administration or its policies. I can endure a 25-mile-per-hour speed limit until such time as I can get it changed to 30, or a Saturday garbage collection until I can get it changed to Monday. I can endure no end of *prohibitory* laws—all the more lightly if they forbid me things I don't want much to do, such as sell narcotics or shoot my tiresome neighbor. But there are mandatory laws which command me to perform. The runaway slave is at my door in Ohio; a Negro enters my restaurant in Atlanta; the truant officer comes to my home to order me to take my child to the 'worldly' school forbidden by my Amish religion. What then? Am I to do the wrong—according to my conscience—and go on doing it until such time as the legislature permits (or commands) me to do right? The State's answer is, and must be, 'Yes—or put yourself at war with The State.' "*

Oregon's history abounds with examples of individuals and groups using civil disobedience as a means of influencing government decisions.

Indian Tribes vs. the State of Oregon. In August 1946 a fishing committee of the Warm Springs, Columbia River, Yakima, and Umatilla tribes reached a unanimous decision that Indians were within their treaty rights to continue netting salmon at Celilo Falls on the Columbia River, defying an ultimatum laid down by state fish commissioners of Oregon and Washington closing the season for a month. The committee voted unanimously to cooperate with state authorities in efforts to prevent black market operations during closed seasons. However, the tribes agreed that subsistence fishing—taking of salmon for food for self and family—would be continued in accordance with rights granted in the treaty of 1855.

Oregonian news stories at the time reported that although three braves were arrested and jailed in Washington for violating the regulation, Oregon authorities took no action, pending court decisions in test cases to be filed following the month-long closed season. The Indians won their treaty rights as a result of those court decisions.

Students vs. City Government.** Two Eugene citizens tried to solve the city's hassle over two barricades blocking East 13th Avenue for a three-block stretch through the University of Oregon campus. They smashed the west barricade.

*Milton Mayer, *On Liberty: Man v. The State* (Santa Barbara, CA: The Center for the Study of Democratic Institutions, *circa* 1969). Reprinted by permission of Harold Ober Associates, Inc.

**From *The Oregonian*, April 28, 1970.

Meanwhile, both short-term and long-term solutions to the street closure problem were being discussed by the University of Oregon Student Senate and the Eugene City Council.

A student appearing before the city council promised the barricades would go back up every time they were removed. Eugene's mayor proposed a public hearing on the permanent closure of 13th Avenue, provided the barricades be removed. He did not specify who would remove the barriers. Spirited discussion followed, with several speakers from the audience proposing the city immediately remove the barriers.

A number of students representing a variety of viewpoints urged various proposals that would result in the street closure. A petition supporting permanent closure and bearing more than 1,300 signatures, collected in five hours from students and faculty, was presented to the council. Before the council meeting the student senate had passed a resolution asking the city to put up city barricades on 13th Avenue until public hearings could be held. The senate said it would take responsibility for removing the present barricades and cleaning up the streets.

Permanent closure of 13th Avenue is now a fact. However, it had long been an issue in Eugene. The mayor recalled that as a student 30 years before he had made a similar proposal before the Eugene City Council.

A councilman pointed out that eight years before, the council and the university agreed to close the route, but met with "no cooperation from the University of Oregon and the State Board of Higher Education."

A GOVERNOR vs. A PRESIDENT*

"Sylvester Pennoyer, Democrat-Populist, governor of Oregon from 1887 to 1895, was personally amiable, generous, witty, politically waspish. His administration policies upset all those who stood anywhere right of the political or social center. He had been publisher of a daily newspaper, the *Oregon Herald* (Dem.) in Portland in the late 1860s and reporters found the governor good copy. . . .

"Election as governor in 1886 was credited to his strong stand against Chinese labor and to a popular personality. . . . Pennoyer recommended compulsory arbitration of labor disputes, in those days of union weakness . . . questioned the authority of the State Supreme Court to nullify a legislative enactment . . . advocated taxation of all incomes above $1,000 on a graduated scale . . . opposed support of higher education as 'a tax on all the people for the benefit of the few.'

"This governor's clashes with President Cleveland are classic. When the President urged him to uphold order firmly in Oregon during the American Railway Union strike of 1894, offering him the use of federal troops, Pennoyer's reply declared that 'if the President will attend to his business I will attend to mine.' One year he set Thanksgiving Day in Oregon a week later than the day proclaimed by Cleveland."

*Excerpts from "Sylvester Pennoyer: He Clashed With a President," by George S. Turnbull (*The Oregonian*, February 8, 1959).

legislation as a change mechanism

Legislation, at both the state and local level, is the most visible and effective means for accomplishing change in or through government.

THE LEGISLATIVE PROCESS

Charts on the following pages provide an overview of the legislative process in Oregon and identify the points at which interested citizens can become involved in influencing the course of decision making.

Introducing a Bill. Theoretically, anyone can get a bill introduced into the legislative process. Nothing in the law requires a member to introduce a bill for anyone, but usually anyone has little or no trouble in getting some member of the legislature to do it. Senators or representatives can hardly refuse to introduce bills for their constituents. If they are not in sympathy with the provisions of the bill and do not endorse it, legislators may introduce it by request, in which case they have little or nothing to do with the bill after introducing it. Its real sponsors lobby it through to final passage if possible. A great many bills thus introduced are of no vital importance to the public. They are bills respresenting the hobbies and sometimes comical ideas of individuals or groups and nothing more.*

As a general rule, special interest groups, government agencies, or legislators themselves conceive and draft bills.

*Charles Childs, *The Oregon Legislature* (Portland, OR: Metropolitan Press, 1937).

The Legislative Counsel, on behalf of the statutory Legislative Counsel Committee, prepares or assists in the preparation of most bills (a highly technical process) and maintains offices and staff in the Capitol on a year-round basis. Requests to the Legislative Counsel for assistance in the preparation of a bill must come from legislators, state agencies, or proponents of an initiative measure. The Attorney General's office also prepares bills, but primarily for state agencies. The Oregon State Bar also maintains offices and drafts bills for legislators.

The thirty-sixth calendar day of the session is the deadline for introduction of bills unless a later date is approved by the rules committee of the house in which the bill is to be introduced.*

The Committee Process. The President of the Senate and Speaker of the House have full charge of the machinery of legislation in their respective houses, and the desk clerks and other elective and appointive officers work under their direction. It is their authority to appoint standing committees and refer bills to these committees that gives them their real power to influence the course of Oregon lawmaking. Committee chairs are also totally dependent on the choice of the presiding officers.

Because Oregon's President of the Senate and Speaker of the House appoint the members and chairs of the committees in their respective houses, they can predict with some accuracy the type of action that will be taken on bills assigned to each. News reporters and legislators often refer to the fact, for example, that in most sessions at least one committee in each house is chosen as the "burial ground" where the President and the Speaker can refer bills they do not want passed.

A committee may take one of three basic actions with regard to a bill referred to it. It may:
(1) Report the bill back to the floor, with or without amendments
(2) Hold the bill without taking any action
(3) "Table" or kill the bill

In instances where no action is taken, a bill may be removed from a committee by an affirmative vote of members of the body, but this is very rare.

A committee may report a bill to the floor in several ways. It may do so by:
(1) A favorable report with or without amendments
(2) An adverse report
(3) Majority and minority reports
(4) A report "without recommendation"

The committees of any state legislature exercise great power because of their authority to recommend amendments, or to pigeonhole bills that come before them for consideration. Committee chairs also hold considerable strategic advantage in that they can ordinarily prevent committee action, even though they may not be able to control the committee affirmatively.

Committee hearings on measures under consideration are the second point at which interested individuals or groups can become involved in the legislative process by testifying at these hearings.

The Third House.* It is difficult to define a lobbyist, because any citizen who speaks, writes, or telegraphs to a legislator for or against any pending legislation is, by dictionary definition, a lobbyist. Lobbyists at Salem have run the gamut from ex-governors to grade school boys not yet in their teens. One of the most successful lobbying coups of all times was one in which two page boys lined up the Senate solidly against a bill to ban firecrackers.

Regular lobbyists can be divided into two categories: those who have always represented the same corporation or the same interest and are usually year-round employees of their organizations, and those who lobby for a fee.

One long-time lobbyist set forth three rules for success and longevity in lobbying: know your business, tell the truth, and don't meddle in other lobbyists' business.

Some legislators believe it would be impossible to operate effectively without the services of the "third house"—the lobby. The business of lobbyists is to be thoroughly informed concerning the technicalities and possible effects of legislation in their fields. At committee hearings, good lobbyists are expected to marshal arguments for or against pending legislation, calling in such expert and oratorical help from their sponsors as they may need. If it is a full dress public hearing, the presentation may be almost a production.

Ethics Commission. The Ethics Commission was created by Ballot Measure 14 when voters passed the measure during the November 1975 election. The Commission administers the conflict of interest act and the lobby disclosure act, both of which involve financial disclosure filings made available to public scrutiny. A special election was held in each city and county so that the voters could choose whether their area would adopt the financial disclosure portion of the bill. Thirty counties and 151 cities chose to adopt that portion of the bill.

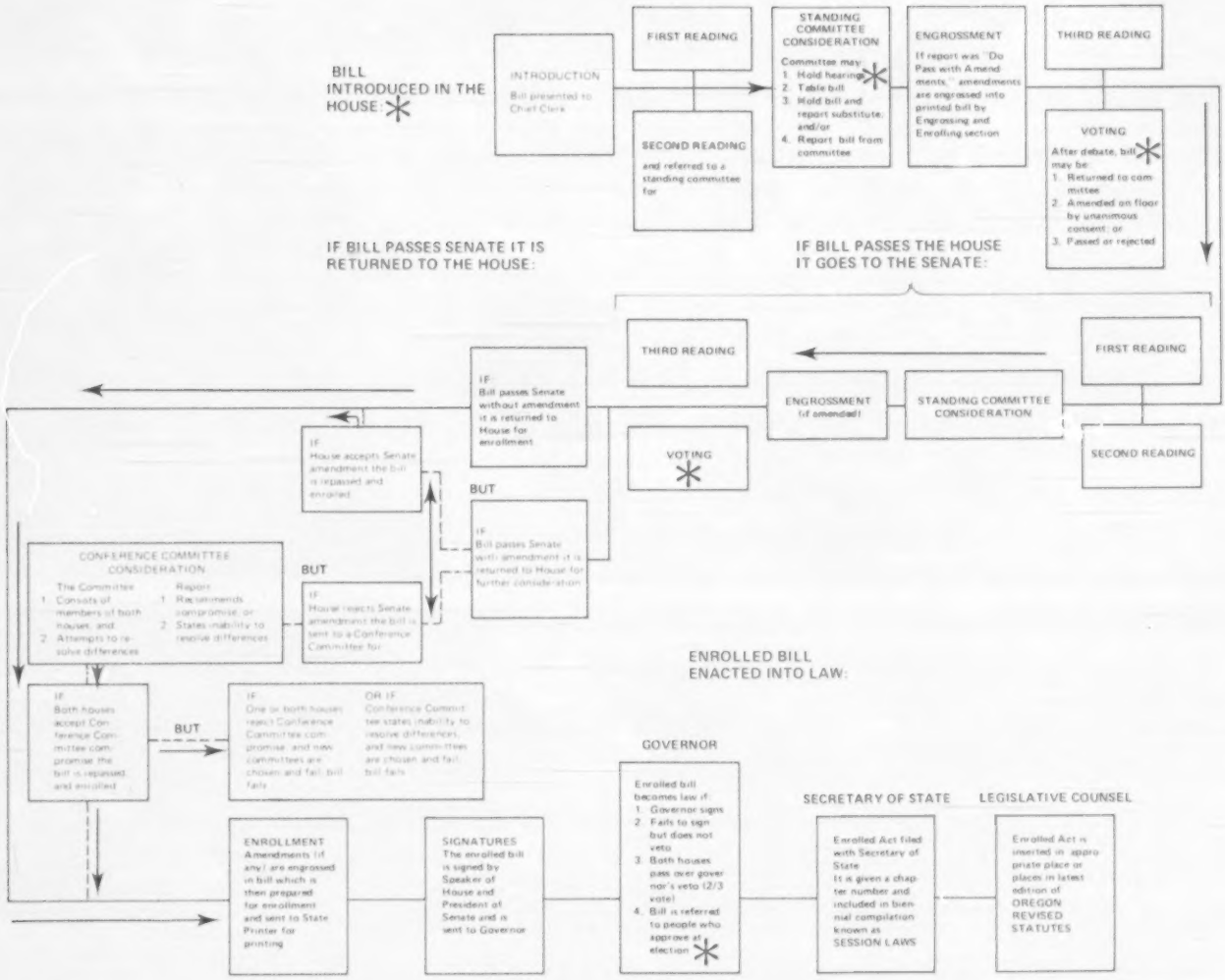
Lobbyists are now required to register annually with the Commission and file quarterly reports (monthly when legislature is in session) detailing their expenditures on lobbying activities. In addition, their employers must file annually total amounts spent by that organization on lobbying activities.

Exemptions to the registration requirements include news media, legislators, public interest social welfare groups, and

*By rule, however, priorities of three per member may be introduced at a later time.

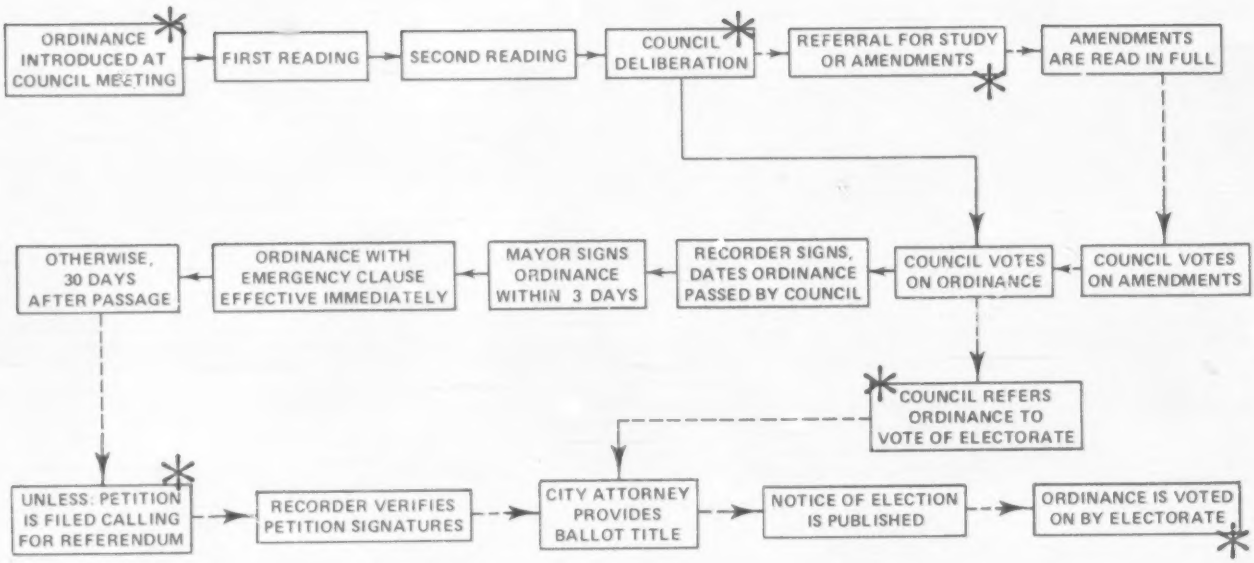
*Excerpts from a series of articles called "The Story of Our Lobbies . . . The Third House" by Paul Hauser for *The Oregonian*, 1951.

STEPS IN ENACTING A HOUSE BILL IN THE OREGON LEGISLATIVE ASSEMBLY


BILL INTRODUCED IN THE HOUSE: *
INTRODUCTION
Bill presented to Chief Clerk
FIRST READING
SECOND READING
and referred to a standing committee for
STANDING COMMITTEE CONSIDERATION
Committee may:
1. Hold hearing *
2. Table bill
3. Hold bill and report substitute, and/or
4. Report bill from committee
ENGROSSMENT
If report was "Do Pass with Amendments," amendments are engrossed into printed bill by Engrossing and Enrolling section
THIRD READING
VOTING
After debate, bill may be:
1. Returned to committee
2. Amended on floor by unanimous consent; or
3. Passed or rejected *
IF BILL PASSES THE HOUSE IT GOES TO THE SENATE:
FIRST READING
SECOND READING
STANDING COMMITTEE CONSIDERATION
ENGROSSMENT (if amended)
THIRD READING
VOTING *
IF Bill passes Senate without amendment it is returned to House for enrollment
IF House accepts Senate amendment the bill is repassed and enrolled
BUT
IF Bill passes Senate with amendment it is returned to House for further consideration
IF House rejects Senate amendment the bill is sent to a Conference Committee for
BUT
IF SENATE RETURNS BILL TO THE HOUSE:
CONFERENCE COMMITTEE CONSIDERATION
The Committee
1. Consists of members of both houses; and
2. Attempts to resolve differences
Report
1. Recommends compromise; or
2. States inability to resolve differences
IF Both houses accept Conference Committee compromise the bill is repassed and enrolled
BUT
IF One or both houses reject Conference Committee compromise, and new committees are chosen and fail, bill fails
OR IF Conference Committee states inability to resolve differences, and new committees are chosen and fail, bill fails
ENROLLED BILL ENACTED INTO LAW:
ENROLLMENT
Amendments (if any) are engrossed in bill which is then prepared for enrollment and sent to State Printer for printing
SIGNATURES
The enrolled bill is signed by Speaker of House and President of Senate and is sent to Governor
GOVERNOR
Enrolled bill becomes law if:
1. Governor signs
2. Fails to sign but does not veto
3. Both houses pass over governor's veto (2/3 vote)
4. Bill is referred to people who approve at election *
SECRETARY OF STATE
Enrolled Act filed with Secretary of State
It is given a chapter number and included in biennial compilation known as SESSION LAWS
LEGISLATIVE COUNSEL
Enrolled Act is inserted in appropriate place or places in latest edition of OREGON REVISED STATUTES

* Indicates points at which citizens can become directly involved or exert influence on decision making through letters to legislators

STEPS IN ENACTING AN ORDINANCE IN AN OREGON CITY


ORDINANCE INTRODUCED AT COUNCIL MEETING
FIRST READING
SECOND READING
COUNCIL DELIBERATION
REFERRAL FOR STUDY OR AMENDMENTS
AMENDMENTS ARE READ IN FULL
COUNCIL VOTES ON ORDINANCE
COUNCIL VOTES ON AMENDMENTS
RECORDER SIGNS, DATES ORDINANCE PASSED BY COUNCIL
MAYOR SIGNS ORDINANCE WITHIN 3 DAYS
ORDINANCE WITH EMERGENCY CLAUSE EFFECTIVE IMMEDIATELY
OTHERWISE, 30 DAYS AFTER PASSAGE
COUNCIL REFERS ORDINANCE TO VOTE OF ELECTORATE
UNLESS: PETITION IS FILED CALLING FOR REFERENDUM
RECORDER VERIFIES PETITION SIGNATURES
CITY ATTORNEY PROVIDES BALLOT TITLE
NOTICE OF ELECTION IS PUBLISHED
ORDINANCE IS VOTED ON BY ELECTORATE

* Indicates points at which citizens can become directly involved or exert influence on decision making through letters to council members

An ordinance may be read in full at two separate meetings; read once in full and once by title only and passed at a single meeting with unanimous consent of council members present. Or it may be read by title only (either or both readings) if a week's advance publication is given and copies are available to all council members, or if no council member objects to reading by title only.

Discussion may occur after either reading. Public comment may be invited. Charters and statutes *require* public hearing on some subjects. Advance publication is required for formal hearings.

Referral may be to a standing or ad hoc committee of council members or of citizens; city administrative staff may be instructed to study the ordinance and provide information. In some cases referral occurs before the formal reading of the ordinance. Further council discussion, and possibly a hearing, will follow the committee or staff report.

If a substantial amendment is made, another hearing or discussion may be held before council action on the ordinance.

Any ordinance enacted by the council can be amended or repealed by exercise of the referendum.

—Based on the *Model Charter for Oregon Cities*, Bureau of Governmental Research and Service, 1967 revision.

private citizens acting on their own behalf on a casual basis.

The Ethics Commission Office maintains an up-to-date list of registered lobbyists.

Conflict of Interest Requirements. The law applies a code of ethics to persons serving in a government capacity for the State of Oregon or any of its political subdivisions or any other public body of the state, whether or not they are paid for their services. Legislators and district attorneys are now required to announce potential conflicts of interest.

The code states that officials may not use their office for financial gain other than official salary, honoraria or reimbursement for some expenses. No public official or candidate for office may solicit or receive any gift or gifts valued at over $100 from any single source in any one year. Exceptions to this are campaign contributions, gifts from relatives or reimbursement for food, lodging and travel expenses.

All elected state officials, heads of major state agencies, members of several state boards and commissions, the Deputy Attorney General, and assistants to the Governor earning $20,000 or more are required to report annually their sources of income (not amounts).

Reports are also required from all elected officials, members of planning and zoning commissions, and local city or county administrators in those cities and counties that "opted in" in the November general election.

Reports must include the following information: name of all business offices and directorships; employment held during the previous year; names under which business is done; name and address of business from which 50 percent or more of the household income is derived; names and addresses of businesses from which ten percent or more of the household income is derived.

This concept of public disclosure is new with only about 20 other states having legislation similar to Oregon's; only five others have anything as far-reaching.

Potential conflicts of interest public officials encounter at any level of government must be made public. A record of the potential conflict must be filed with the Ethics Commission.

Judges must either apprise persons appearing before them of potential conflicts or remove themselves from the case.

Appointed officials serving on boards and commissions, and elected officials other than legislators must announce potential conflicts prior to taking action.

Any other appointed officials must notify their appointing authority of the nature of potential conflicts and request authority to dispose of the matter, or appoint a substitute for that particular issue.

The Governor's Veto Power. Another point at which individuals and groups can influence the course of legislation is when it reaches the Governor's desk.

During the legislative session the Governor must sign or veto a bill within five days after he or she receives it, or it becomes law without that signature. If the legislative session comes to an end before this five-day period on any particular bill, the Governor has 20 days from adjournment of the legislature to sign or veto it; if he or she does neither, the bill becomes law.

When a bill is signed, the Governor sends a notice to this effect to the chamber of origin. The Governor vetoes a bill by returning it to the chamber of origin, together with an explanation of the veto. If the legislative session is over, he or she files the vetoed bill and veto message with the Secretary of State, who presents both to the next session of the legislature. The chamber to which the bill is returned may table the vetoed bill and veto message, refer it to committee, or attempt to pass the bill over the veto. To pass a bill over the Governor's veto requires a two-thirds vote of the members present in each chamber.

Except in the case of single items in appropriation bills and emergency clauses in "new bills," the Governor may not veto less than the whole bill if he or she disapproves any part of it. The Governor may not veto an act referred by the legislature for a vote of the people.

Referral for Vote of the People. This is the final point at which individuals or groups can influence the course of proposed legislation.

An act may be referred for a vote of the people by one of two means. One is the inclusion of a referral clause in the act by the legislature itself. The other is the filing with the Secretary of State of a petition requesting such referral. The petition must be signed by a number of qualified voters equal to four percent of the votes cast for the office of Governor at the last election, and submitted within 90 days after adjournment of the legislative session. A referred act will be voted upon in November of the even-numbered year following passage unless the legislature orders a special election for the purpose.

Effective Dates of Acts. In the absence of a special provision, an act which is not referred will take effect on the ninety-first day following the end of the session. If the act contains an emergency clause, it takes effect when signed by the Governor unless a specific date prior to 90 days after the end of the session is included in the emergency clause. The effective date of an act may be a time after the normal 90-day effective date if there is a special provision to this effect. Referred acts are effective 30 days after the date they are approved by the people.

DIRECT LEGISLATION: THE CULMINATION OF SELF-GOVERNMENT

"Direct legislation is the culmination of democracy or self-government, and 'democracy,' as Charles Borgeaud has

said, 'is more than a form of government; it is a state of society toward which all contemporary nations are tending by a seemingly inevitable law of evolution.' . . .

"The origins of direct legislation are veiled in the mists of antiquity. On the one side they reach back to the ancient Greek and Latin civic assemblies of free men; on the other to the Teutonic Landsgemeinden, still surviving in the mountain cantons of Switzerland and revived in the New England town meeting . . . . However . . .

"One of the first great registrations of this democratic movement was in 1869 when the canton of Zurich adopted a new constitution by which the Grand Council of that state ceased to possess legislative powers. It could frame laws, but could not pass them. This is the obligatory referendum, that all laws passed by the law-making body shall be sent to the vote of the people for acceptance or rejection . . . . The other cantons and the federal government followed the lead of Zurich until now direct legislation is imbedded in the federal constitution and in all of the cantonal constitutions save that of reactionary Freiburg . . .

"But next to Switzerland, the movement has made the most progress in the republic of the New World."*

Many scholars and reporters visited Switzerland to study the system and write reports for American newspapers and magazines.

Trade unions began to use direct legislation, and in 1891 ten of the largest national and international unions were using it. From 1892 it was the only political demand of the American Federation of Labor until 1894, when others were added.

History of Oregon's Initiative and Referendum.** Oregon was one of the first states to adopt direct legislation. Passage of initiative and referendum laws in Oregon grew out of the Populist movement. Adopted in 1902, "they opened the door to all the great features of the 'Oregon System.' They virtually revolutionized Oregon government and politics, destroying almost at a stroke the 'strong party system,' reducing immensely both their own power and that of the moneyed interests allied with them, raising new interest groups (like the Grange) to positions of great strength, and opening up a new nonparty political arena that became for a while virtually the center ring in the Oregon political circus.

"Throughout the heyday of the initiative and referendum, the general elections of 1910, 1912, and 1914, 98 measures appeared on the ballots. During the first two decades after 1903, the people were faced with an average of 20 measures per biennium; in the last 40 years the average has been only about 12 or 13.

"Direct legislation brought about major political reforms:
The direct primary
The presidential primary
The Corrupt Practices Law
Municipal home rule
Legislative and judicial reorganization."

People's Power League. "The platforms adopted by organizations like the Grange and the Farmers Alliance, with wide but close-knit membership, were likely to be of much more importance to the state's political course than were positions taken by the parties; and a unique body called the 'People's Power League' (led by the redoubtable William S. U'Ren, who had 'fathered' the initiative and referendum) provided for over a decade a leadership in the 'popular branch of the legislature' more influential than that of either party.

"Until his death, U'Ren insisted that direct legislation and other political reforms he espoused were designed entirely as 'tools of the mechanic' for the accomplishment of economic and social legislation; the single tax, the reform he most wanted, he was never able to bring about.

"The People's Power League developed from a circular letter sent out on September 6, 1906, to some 1,000 representative citizens of Oregon to 'get their opinion of the wisdom of submitting certain amendments to popular vote.' The letter was signed by seventeen Oregon political leaders, headed by Thomas A. McBride, shortly to be Chief Justice of the Oregon Supreme Court, and requested replies be sent to U'Ren. Leaders of the organization included most of the group that had led the Direct Primary League, which had spearheaded the movement which won the primary in 1904, and before that of the old Non-Partisan Direct Legislation League.

"In the election of 1906, the PPL offered five measures—the extension of direct legislation to local units, municipal home rule, the requirement of a popular vote for the calling of constitutional conventions, statutory regulation of the office of State Printer (long a hotbed of graft), and provisions to prevent the use of free railroad passes for corrupt purposes—all of which passed comfortably.

"Four more PPL measures, including proportional representation authorization and a long corrupt practices act, passed in 1908. After 1910, the PPL offerings began to include proposals for increasingly drastic—'radical'—reforms; its four measures in 1910 included not only the presidential primary, which passed, but also a confusing judicial reorganization amendment (which passed), an amendment for complete reorganization of the legislature, with a proportional representation (which failed), and an amendment to establish a 'Board of People's Inspectors' to publish findings in an *Official Gazette* (which failed).

"The 1912 PPL program included the 'U'Ren Constitution,' completely reorganizing the whole state government, abolishing the Senate, etc., which was roundly defeated. In

*From an article by Eltweed Pomeroy, editor of the *Direct Legislation Record*, written for *The Arena*, June 1896.
**Frank H. Jonas, ed, *Politics in the American West* (Salt Lake City: University of Utah Press, 1969).

1914, a PPL measure for thorough legislative reorganization, with proportional representation, failed again, along with 24 more of the 29 measures on the ballot. It was of this election that the *Oregonian* editorialized: 'It is Oregon's message to the world that the disastrous U'Ren epoch is passed.' (November 5, 1914, p. 10.) After 1916 the PPL's influence and activities declined."

U'REN AND THE POPULIST UPRISING

The quest for social justice for all Americans, a quest that stems so greatly from the Populist uprising, was a constant thing in the first decade of the new century. Robert La Follette of Wisconsin supplanted Bryan as the standard bearer of protest and this he did very well indeed, and with the finest of dramatics, for Old Bob was as good an actor as either Roosevelt or Bryan. Coincident with those three men was another, a man who had . . . absolutely no sense of publicity, yet whose influence has been as great as, or greater than that of Bryan or Roosevelt or La Follette. William S. U'Ren . . . director of the great days of Populism, Single Tax, and other fermentations, is the man; and he has seldom got into any book of wider scope than a monograph.

Born in Wisconsin, U'Ren worked on farms there and in the Far West, studied law in Denver, and went to Oregon to practice. His reading included Henry George's *Progress and Poverty*, and this book merely gave impetus to the ideas of social protest and reform that already were motivating the young attorney. He quickly became the most powerful political figure in Oregon, though he did not care for office and was uncommonly shy for a reformer. Persuasive, a quick thinker, and a strategist with few peers, this slight, soft-spoken little man was unquestionably the driving genius which gave Oregon the Australian ballot, the registration law, the initiative and referendum, the direct primary, the Corrupt Practices Act, and the recall. Most of these reforms, now so prevalent that they are generally accepted nearly everywhere in the United States as part of the scenery, were original in Oregon, and were chiefly the work of U'Ren, the man who wanted the single tax most of all but was realistic enough to work for such reforms as he thought were possible of acceptance. But he seldom got his name in the papers, and if it did appear there, it was none of his work.

Still active in 1945, in his eighties, Mr. U'Ren, bright-eyed, silver-haired, straight as hickory, and very keen, [was] one of the wholly unknown historical figures who had tremendous influence on his time.

–Stewart H. Holbrook, *The Lost Men of American History* (New York: The MacMillan Company, 1946)

INITIATIVE AND REFERENDUM PROCEDURES IN OREGON

The procedure for exercising the initiative commonly involves the following steps:

(1) A preliminary petition is prepared and filed.
(2) A ballot title for the measure is prepared by the Attorney General, district attorney, or city attorney.
(3) A petition for signatures is circulated.
(4) That signed petition is filed with the Secretary of State, county clerk, or city auditor or recorder.
(5) Signatures are checked for authenticity.
(6) The measure is placed on the ballot if the petition bears the requisite number of authentic signatures.

In instances where the legislature, a city council, or board of county commissioners initiates submission of a measure to the voters, the referendum procedure commonly involves the following steps:

(1) Submission of the measure is ordered at an election on a specified date.
(2) A ballot title for the measure is prepared.
(3) The measure is submitted at the election.

Filing the Preliminary Petition. As a precaution against incorrectly filing a preliminary petition, it is suggested that petition sponsors write the Elections Division, Secretary of State's office, or call in person. This office can supply the legal details about filing and circulating a petition.

One person or more may take the first steps to prepare an initiative or referendum petition. These are the "sponsors." The sponsors must file their preliminary petition with the Secretary of State for state measures. Filing petitions for county or city measures is described later. A preliminary petition contains the following:

(1) A cover sheet with:
  (a) The date of the election;
  (b) The names of the sponsors, their residence address and precinct numbers;
  (c) A signed and notarized sponsor's affidavit.
(2) A supplement naming three chief petitioners and their mailing addresses.
(3) The attached full text of the referred act, proposed law, or constitutional amendment.
(4) Copies in triplicate.

Ballot Title. Upon receiving the filing, the Secretary of State transmits two copies to the Attorney General. Within five days after receiving the petition, the Attorney General prepares a ballot title. The ballot title consists of a caption, not exceeding six words, by which the measure is known, and a statement of purpose, not exceeding 75 words.

A person dissatisfied with the ballot title may petition the Supreme Court for a different title. This petition must be filed within 20 days after the title has been delivered to the Secretary of State.

Form of the Petition. If there has been no appeal, the sponsors may circulate the petition after the 20-day appeal period. Before circulating, the format must be approved by the Secretary of State. A petition must contain the following parts:

(1) A cover page.
  (a) The cover page shall include directions to the signers and circulators.
  (b) The name(s) and address(es) of the sponsor(s) of the petition.
  (c) The names of not more than three chief petitioners and their mailing addresses.
  (d) The ballot title and statement of purpose.
  (e) The complete text of the act or measure.
(2) One or more signature sheets.
(3) The type and size of paper is specified by the Secretary of State. The paper for the cover and the signature sheets must be durable to withstand the rough handling of circulation and verification.

Circulation of Petitions. Petition sponsors should instruct circulators about "do's and don'ts."

(1) Any registered elector who is eligible to vote for a measure may sign a referendum or initiative petition.
(2) All persons signing a single signature sheet must be residents of the same county. Signature sheets containing signatures of persons from several counties will not be verified.
(3) A person shall not:
    (a) Sign his name more than once for the same measure for a given election.
    (b) Sign a name other than his own.
(4) A circulator of a petition shall not:
    (a) Misrepresent the purpose, contents, or effect of any measure being petitioned.
    (b) Give, pay, or receive any money or other valuable consideration for securing signatures of electors.

Verification of Petition Signatures. A circulator must sign a notarized affidavit at the bottom of each signature sheet before offering it for verification. In the affidavit the circulator states that each person signed the signature sheet in the circulator's presence and the circulator believes each signer stated his correct address and is a registered elector.

After the petition is circulated and the affidavit signed, the signatures are presented for verification to the county clerk of the county in which the signatures were obtained. Certification by the county clerk consists of:

(1) Comparing signatures on the sheets with the signatures in the Register of Electors.
(2) Certifying the number of valid signatures at the foot of each sheet.
(3) Returning the signature sheets to one of the chief petitioners or a designated representative and to no other person.

Petitions for County and City Measures. The above rules governing preliminary petitions, ballot titles, format, circulation, and verification of signatures for initiative and referendum petitions for state measures apply to counties and cities with exceptions:

(1) Counties
    (a) The county clerk is substituted for the Secretary of State.
    (b) The district attorney is substituted for the Attorney General.
    (c) Circuit court is substituted for State Supreme Court.
(2) Cities
    (a) The city clerk, auditor, or recorder is substituted for the Secretary of State.
    (b) The city attorney is substituted for the Attorney General.

Number of Signatures Required. The number of signatures required for statewide initiative and referendum petitions is stated in terms of a percentage of the total number of votes cast for all candidates for Governor at the next preceding election in which a Governor was chosen for a four-year term (1968 amendment to Article IV, Section 1).

(1) Referendum petitions for legislative acts require four percent.
(2) Initiative petitions proposing new laws require six percent.
(3) Initiative petitions proposing constitutional amendments require eight percent.

The number of signatures required for initiative and referendum petitions in counties and municipal corporations other than cities is a percentage of the number of all votes cast in the preceding election in the county or municipality for the position of Governor.

(1) Referendum petitions require four percent.
(2) Initiative petitions require six percent.

The number of signatures required for initiative and referendum petitions at the city level is determined by the city charter, except that:

(1) Initiative petitions may not require more than 15 percent of the qualified voters in the city.
(2) Referendum petitions may not require less than ten percent of the qualified voters in the city.

Filing Completed Petitions. All statewide measures are filed with the Secretary of State, Elections Division, State Capitol, Room 122, Salem, Oregon 97310.

(1) Referendum petitions for legislative acts must be filed not more than 90 days after the end of the session.
(2) Initiative petitions for statutory changes or constitutional amendments must be filed not later than four months prior to the election.

Measures for counties and municipal corporations other than cities are filed with the county clerk. They must be filed by the same date and time as state measures.

At the city level, initiative and referendum petitions are filed with the city clerk, auditor, or recorder. Initiative petitions may be filed at any time. Referendum petitions must be filed within 30 days after passage of the measure to be referred.

An initiative petition is received for filing by the city clerk, auditor, or recorder, who in turn submits it to the city council at the next meeting after filing. The city council must ordain or reject the measure within 30 days of the time it was received from the hand of the city clerk. If the council rejects the measure or fails to act, the petition must be submitted to the voters of the city within 90 days from the council meeting at which it was first submitted.

The Campaign and After. Statements explaining a measure, and arguments for and against it, may be included in state, county, or city voters' pamphlets. Explanations for statewide measures are written by a committee appointed by the Secretary of State. This committee must follow certain regulations spelled out in the law, including a provision that it is obligated to consider suggestions.

There are also specific rules regarding publication of arguments for and against proposed measures, which may

be obtained by requesting a *Manual for Initiative and Referendum Sponsors* from the Secretary of State's office.

OREGON'S REGULATION OF CAMPAIGN ETHICS

A statement of all moneys received and expended in the preparation and circulation of an initiative or referendum petition must be filed with the petition.

In addition, each committee, association, organization, and aggregate body of individuals organized to aid or promote the success or defeat of a measure or ballot question shall file an itemized statement of contributions and expenditures with the officer who received the completed petitions.

Every candidate for delegate to a party national convention or for nomination and election to any office which must be voted for in the state at large, or in a district of one or more counties, must appoint a treasurer to file pre- and post-election statements of contributions and expenditures. Such statements must set forth in detail all money contributed, expended, or promised by the candidate or any organizations or individuals working in his behalf, to aid and promote his election. Candidates who receive or spend no money must file a sworn statement to that effect.

No political treasurer or combination of political treasurers shall make or authorize any expenditure that will cause the total amount expended in support of or opposition to a candidate to exceed, with respect to any primary, general or other single election:

(1) For congressional and statewide offices, 15 cents times the number of registered voters eligible to vote for the office on the date of the previous general election;
(2) For all other offices except legislative offices, 25 cents times the number of registered voters eligible to vote for the office on the date of the previous general election or $1,000, whichever is greater; and
(3) For the offices of State Senator and State Representative, 25 cents times the average number of registered voters on the date of the previous general election in all of the senatorial and representative districts, respectively, in the state.

Unsolicited mailings including newsletters, informational sheets and questionnaires sent by or on behalf of an officeholder postage free shall, if the mailing occurred after the date of the deadline for filing for office and before the day of the general election, be considered an expenditure of the officeholder in an amount equal to what a nonofficeholder would have to expend to make the same mailing.

budgeting as a legislative device

SETTING GOVERNMENT PRIORITIES THROUGH THE BUDGETING PROCESS

Because all government programs and services require money, the annual or biennial budgeting process determines the real scope and authority of state and local governments (e.g., dog control ordinances have little value unless funds for enforcement are provided). Oregon laws provide several points in the government budgeting process at which citizens can and should become involved. Therefore, the budget of each government unit should serve as a tool by which alert citizens may guide the decisions of their government officials.

At the state level, each government unit develops and submits a proposed operating budget; and, with inflation, population increase, and the genuine desire to render higher quality services, each budget is frequently higher than the preceding one. But at the review stage, substantial changes take place. State budgets are all competing for a relatively fixed sum of money, that which will be available in the General Fund. The budgets are collected and passed through two rigorous, central, comparative screenings. The first is in the Governor's office, and the second is in the Joint Ways and Means Committee of the Legislative Assembly, which has staff of the Legislative Fiscal Office available. There the merits of the needs proclaimed in each budget are weighed against each other, priorities are established, and budgets are correspondingly adjusted until they fit within the revenue expected. (In Oregon budgets must be balanced—outgo may *not* exceed income.)

The system is far different on the local level. Oregon law contains two basic checks. First, the Local Budget Law is primarily an informational device, requiring each local government unit to publish and hold hearings on a proposed budget for the ensuing year before adopting it. Second, the six percent limitation in the Oregon Constitution is a limiting device. If the tax levy resulting from a budget exceeds the amount the district is permitted to levy, then the levy must be submitted to the people for approval. In 1974-75, however, 68 percent of Oregon's school districts, for example, did not have a tax base; thus many budgets (outside of bonds and interest), must be approved every year.

The fact that the six percent limitation operates only on a local government's *tax levy* explains the eagerness with which all local governments search (and compete) for nonproperty tax revenues.

Taxpayers have criticized these two checks as being inadequate. In addition, traditional budget formats have often been criticized for not showing the link between the funds an agency uses and the performance of its missions and tasks. In Oregon, for example, local budgets failed to communicate the real purposes for projected expenditures until 1971, when state law required that proposed expenditures be categorized in two major ways:

(1) By organizational unit or function (for example, police department; road department; administration; instruction)
(2) By object of expenditure within each organizational unit or function (for example, personnel services—salaries and fringe benefits; materials and services

required; capital outlay–buildings, furniture)

When money is budgeted in this manner, it is indeed difficult to determine the real purposes for projected expenditures by any department or organizational unit of government. Budget summaries become lists of total amounts to be spent on salaries, buildings, or equipment and supplies, rather than an indication of what services will be improved, increased, or deleted.

Changes in 1971 allowed districts to use new systems of budgeting which, it was hoped, would result in much greater voter understanding of the specific purposes for which money may be used. This, in turn, may encourage much more meaningful citizen participation in government decision making.

LOCAL GOVERNMENT BUDGETING PROCEDURES*

Local government budgets are financial plans for each ensuing year. As such, each budget becomes a tool by which citizens may guide the decisions of local officials. Therefore, the process by which budgets are established has great significance both for government officials involved and the citizens they serve.

The elected governing body has the responsibility to appoint a budget officer. Some city and county charters specify the budget officer, but in other jurisdictions the individual chosen may be any employee selected by the governing body (except the independent auditor). In cities, it is usually the city manager or administrator who has this responsibility; in counties, it is the county clerk; in school districts, it is usually the superintendent. The budget officer makes a summary of actual expenditures of preceding years, a budget for the current year, and lists the amounts requested for the following year. He also makes estimates of the amount of revenue his government unit expects to receive from nonproperty tax sources during the ensuing year.

Some government units instruct the budget officer to present a balanced budget. This means the budget officer must exercise judgment on priorities to be given to various programs and competing expenditures. In order to make these judgments, the budget officer must study department operations and consult at length with department heads and employees. In the larger units, this is a year-round process to which specially trained personnel are frequently assigned.

When the budget officer does not have this function (as is usually the case in counties and nonmanager cities), the request submitted is usually that of the department head, and the work of the budget officer is to insure that the required detail is shown and that the request meets legal requirements.

Budgeting by Fund. The budget must contain a projection of anticipated revenues and expenditures by fund. A fund is a sum of money or other resource set aside to carry on specific activities or to attain certain objectives. A fund is also a separate, independent fiscal and accounting entity, thereby representing more than a mere bank account. Government units will always have a "general fund" plus, usually, one or more special funds.

Numerous reasons support development of special funds, including the need to label those revenues earmarked by state and local statutes for particular purposes (such as the road fund, and special assessment bond fund). Funds may also be established for administrative and legislative convenience to reflect the revenue source, including bond issues for certain functions (for example, parks and recreation may be listed as a special fund). The establishment of funds for various purposes is also a control device, but if too many funds are established, financial procedures will become more complicated and less fiscal control may result. Certain funds are required by state law or charter; but beyond that, finance specialists indicate that the smallest possible number should be used.

The "general fund" of city and county governments receives a great variety of revenues and covers a wider range of activities than do the other funds. The resources of this fund, unlike those of most other funds, may be appropriated and expended to finance the general operations of cities and counties. However, it is not permissible to include interest and sinking funds, bond issues, highway user revenues, and certain trust and agency appropriations in the general fund. It is also undesirable to include collections from utilities in the general fund, and frequently restrictions stipulated when bond elections are held require that such collections be segregated.

Through budgetary and accounting control, the general fund may include all of the major functions of local government except highways and debt service. Most of the smaller local units of government have only a general fund, a road and street fund, special assessment funds, bond funds, trust and agency funds, and utility funds. For construction, a capital projects or improvement fund is often used.

The resources of one fund may not normally be used to meet the obligations of another fund because of statutory provisions or contracts and agreements regarding the use of revenue. General fund revenues, however, may be transferred to other funds, and money may be loaned from some funds to others.

Budget Message. The budget message provides elected officials an opportunity to discuss needs, available revenue sources, and anticipated expenditures for the benefit of the community, as well as for the budget committee. The

*Edited excerpts from *Background Information on Local Government in Oregon* (Eugene: Bureau of Governmental Research and Service, University of Oregon, 1967).

budget message often is given widespread publicity through newspapers and other media. By law the budget message must:

(1) Explain the budget document. This explanation may be in as much detail as the budget officer desires, but as a minimum it should explain the budget format.
(2) Explain the proposed financial policies for the ensuing year and how they are to be implemented.
(3) Explain all major changes in financial policies and how they have affected the budget.
(4) Explain major changes in estimated resources and requirements.

Budget Committee. All local governing bodies, with the exception of any unit in Multnomah County having a population of 100,000 or more,* are required to appoint a budget committee composed of members of the governing body and a similar number of qualified electors of the government unit. The terms of the appointed members of the budget committee are three years with the expiration of one-third each year.

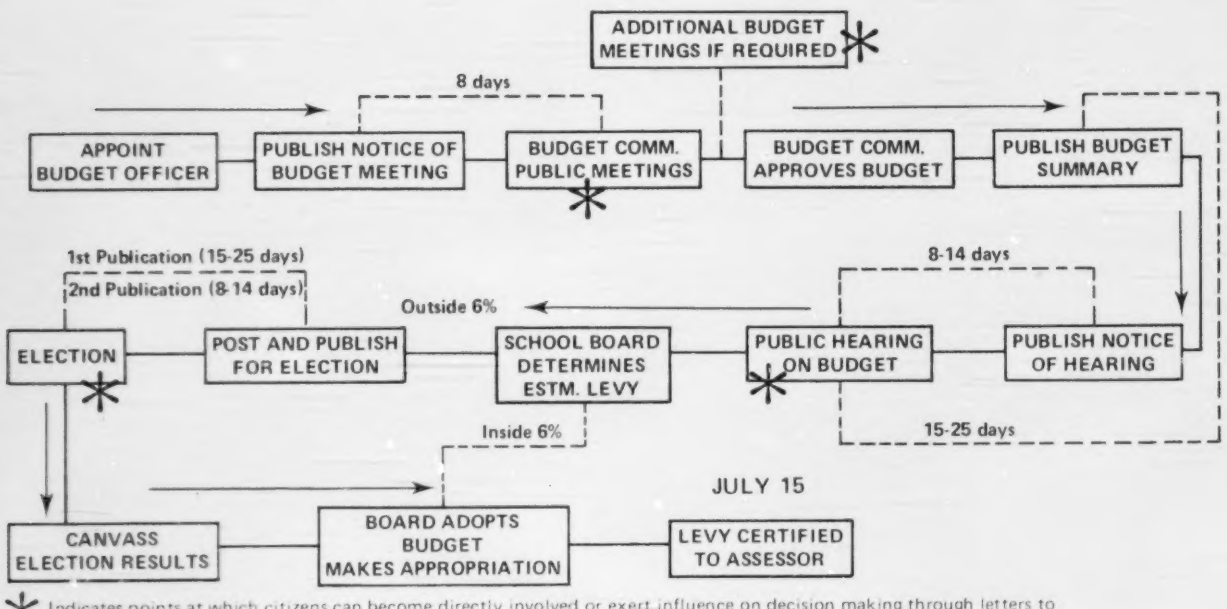
Public Hearings. The budget committee selects a chair and a secretary; and after published notice, the first meeting of the budget committee takes place. At this meeting the committee hears the budget message, receives copies of the document prepared by the budget officer, and hears any person who wishes to speak about budgetary matters. After the budget has been received by the committee, it becomes a matter of public record.

The budget committee may hold as many meetings as necessary, or it may approve the budget at the first meeting. Except in the very small municipal corporations, it generally takes several meetings for the committee members to consider each item and ask questions of the executive officer and various department heads. All meetings are required to be open to the public. The committee may, at any meeting, give those persons wishing to discuss relevant matters an opportunity to do so

When the committee has finished its deliberations and approved the budget, it submits the document to the governing body. The governing body is then required to hold a public hearing, with one notice of the meeting being published in a newspaper of general circulation within the municipal corporation. A summary of the budget, approved by the budget committee, must be published before the meeting showing a comparison with the actual expenditures of the previous two years and the budget for the current year.

The total time involved in budgetary preparation is extensive. A schedule has been suggested by the Department of Revenue, although many units have found it necessary or desirable to vary from this timetable.

BUDGET PLANNING CHART



* Indicates points at which citizens can become directly involved or exert influence on decision making through letters to council or board members

*The Multnomah County Tax Conservation and Supervising Commission serves as a budget review committee for local units of government within the county, including the county government.

boards, bureaus, and other change agents

Boards and bureaus are people. In Oregon, the people elect approximately 170 state officials. However, it requires thousands of other people to carry on the day-to-day operations of state and local government. Over 49,000 people are employed by the state, with nearly 100,000 more employed by local governments (counties, cities and special districts).

Oregon is generally considered a state with few of the problems of "machine" politics, though appointive positions are sometimes considered "patronage." Possibility of patronage by the legislature is limited to such jobs as committee clerks, doorkeepers, pages, or personal secretaries. The executive office has much more opportunity to exercise patronage because of the governor's appointment opportunities. His appointments are carefully scrutinized by the press, however, and obvious patronage is brought to the public's attention.

Most state agency employees (secretaries, physicians, institution teachers, custodians, etc.) are required to pass tests and earn civil service ratings. An attempt is made to keep the salaries of these employees competitive with comparable positions in private enterprise so that state agencies will not be at a disadvantage in obtaining quality personnel. Most local governments also screen employees through a civil service testing procedure.

There are two broad classifications of public service. *Human services* include all activities involved with meeting the needs of individuals. Workers usually perform these activities through direct contact with the public. Preparation for human services occupations includes: (a) training in social science, interviewing, interpersonal relationships, community service, and counseling; (b) training for a specific function, or specialty skill, such as a health service, teaching, welfare, rehabilitation, public safety, corrections. *Municipal services* include all those public service occupations involving guardianship, maintenance, and improvement of the public domain for the general welfare of society. Training for municipal service occupations is primarily aimed at the development of specialty skills in management, engineering, drafting, accounting, maintenance, construction, etc.

Training in social science and specific social service functions is also applicable for municipal service occupations, but will vary in proportion to direct contact with the public. Because only a few government employees are elected with direct ties to the people, and so many people are appointed or selected through competitive examination, the citizen sometimes comes to regard government as some kind of nebulous "They" rather than "We." Problems that arise are usually between citizens and those appointed officials or public employees who sometimes forget they are working for the public, with an obligation to serve the people.

It should be remembered, however, that citizens can change the way public employees operate. If a citizen is not satisfied with government employees who serve him, or bureaucratic decisions which affect him, he has at least three alternatives: (1) petitioning the board or elective official in charge; (2) the ombudsman; (3) the courts.

BOARD AND COMMISSION FUNCTIONS

Many state boards and commissions in Oregon exercise authority delegated by the Governor (the executive branch) or the legislature and establish the policies which govern state agencies. Boards of this type are often composed of lay individuals. Other boards and commissions serve in an advisory capacity to state and local officials.

How do individuals use agencies and commissions to influence change in Oregon? Securing appointment to one or several of the various boards or commissions is one avenue. Frequently overlooked, however, is the possibility of influencing change through testimony and petition at board and commission meetings, all of which are legally open to the public except in rare instances.

A good example of productivity by lay citizens appointed to a state board is the State Welfare Commission. In the 1960's costs were rising rapidly when the commission instituted the first fraud investigation, expanded work relief programs, initiated vocational training for the nondisabled, began intensive casework to identify clearly those who needed help, promoted adult education, and prepared and disseminated the first materials on voluntary birth control. In a short three-year period this particular commission was simultaneously saving tax money and promoting human values.

CITIZEN INVOLVEMENT IN RULE-MAKING PROCEDURES OF GOVERNMENT AGENCIES

Every government agency, especially at the state level, develops rules and regulations which have the force of law and influence judicial and administrative decisions.

Compilation and codification of all the administrative rules of all the state agencies is a monumental task the legislature assigns to the Secretary of State's office. In addition, each agency usually publishes and circulates to its own clientele the administrative rules of that agency. Such procedure means that any citizen who wants to know the full effect of a law must also consult the administrative rules of the agency which administers the law, and this often means visiting the Secretary of State's office or agency headquarters when the rules concerned are not published in a form that makes them easy to disseminate through the mails. Accumulations of administrative rules in the Secretary of State's office are rarely consulted, which may

indicate that most citizens are unaware of these supplementary regulations which have the force of law and can materially affect their social and economic well being.

Informed and interested citizens can nonetheless get involved in the rule-making procedures of government agencies. For example, teachers and parents can become involved in such rule-making procedures of the State Board of Education as it develops certification or minimum school standards by their attending hearings, asking for representations on the drafting committees, etc.

OREGON'S OMBUDSMAN

Creation of the office of Ombudsman in 1969 was a direct response to the need to give people recourse from bureaucratic decisions. The Governor asked the legislature for an ombudsman in 1969, but the proposal died. He therefore created the position out of his own office budget. The 1971 Legislative Assembly agreed to recognize the position, but appropriated no funds for operation of the office; likewise, neither the 1973 nor 1975 legislatures appropriated money to operate the office.

Oregon's ombudsman differs in one respect from other ombudsmen. In parliamentary countries they are independent from government—their power being the power to publicize.

STATE OF OREGON SALARIES SET BY STATUTE 1975-76

ELECTED OFFICIALS

Executive

Governor	$38,500 (plus $1,000 monthly expenses)
Secretary of State	31,900
State Treasurer	31,900
Attorney General	31,900
Superintendent of Public Instruction	31,900
Commissioner of Labor	31,900

Legislative

Legislators receive a salary of $440 monthly. They receive allowable expenses of $35 for each day the legislature is in session and $175 for each calendar month or part thereof it is not in session. Both President of the Senate and Speaker of the House receive a salary of $660.

Judicial

Supreme Court Judge	$35,200
Court of Appeals Judge	34,100
Circuit Court Judge	31,900
Tax Court Judge	31,900
District Court Judge	28,600

APPOINTED OFFICIALS

	Minimum	Maximum
Agriculture, Director	$21,984	$28,068
Commerce, Director	21,984	28,068
Environmental Quality, Director	24,240	30,924
Executive, Director	25,452	32,472
Forestry, State Forester	21,984	28,068
General Services, Director	$21,984	$28,068
Geology & Mineral Industries, Director	18,072	23,076
Human Resources, Director	28,068	35,808
Library, State Librarian	18,072	23,076
Liquor Control Commission, Administrator	21,984	28,068
Military, Adjutant General	20,940	26,712
PERS, Director	20,940	26,712
Police, Superintendent	23,076	29,448
Public Defender	20,868	26,652
Public Utility Commissioner	24,240	30,924
Revenue, Director	25,452	32,472
SAIF, General Manager	21,984	28,068
State Fair, Manager	15,612	19,932
State Lands, Director	19,932	25,452
Veterans Affairs, Director	21,984	28,068
Workmen's Compensation Board, Commissioners (3)	21,912	27,996

Salaries for unclassified positions not fixed by law are fixed by the Personnel Division in reasonable conformity with the general salary structure of the state. Salaries for classified positions are also fixed by the Personnel Division.

ACADEMIC

	Salary	Expenses	Housing Perquisite Per Year
Chancellor	$45,870	$3,000	$2,400
University Presidents:			
University of Oregon	43,900	3,000	2,400
Oregon State University	43,900	3,000	2,400
Portland State University	43,900	3,000	2,400
Eastern Oregon State College	34,650	1,800	2,000
Southern Oregon State College	34,650	1,800	2,000
Oregon College of Education	34,650	1,800	2,000
Oregon Institute of Technology	32,900	1,800	2,000
University of Oregon Health Sciences Center	54,000	3,000	2,400

Salaries for unclassified positions in the State System of Higher Education are fixed by the State Board of Higher Education.

THE POWER OF OREGON'S MASS MEDIA

Oregon has some 120 newspapers—23 dailies and over 90 weeklies and semi-weeklies. About 250 periodicals are published by various special interest groups within the state. Some 110 radio stations operate in the state. In addition, 13 commercial television stations and 15 educational radio and television stations are on the air.

Much has been written about the role of the media in a democracy, and obviously newspapers, radio, television, etc., provide critical links to effective participation. Perhaps one useful tool for discriminating readers and listeners to evaluate news coverage in their own communities is the American Society of Newspaper Editors "Statement of Principles" (see next page).

EXERTING INFLUENCE AT THE FEDERAL LEVEL

Almost all members of Congress maintain an office in their congressional district. It gives them a place from which to operate when they are in the district and, equally important, it gives people a more personal form of contact with Congress. Members can be reached by writing in care of the Senate Office Building, Washington, D.C. 20510 or House Office Building, Washington, D.C. 20515, or by calling or writing the member's district office, usually in the major city within the district.

A STATEMENT OF PRINCIPLES

PREAMBLE

The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility.

Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation.

To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

ARTICLE I – Responsibility

The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

ARTICLE II – Freedom of the Press

Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private.

Journalists must be constantly alert to see that the public's business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

ARTICLE III – Independence

Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

ARTICLE IV – Truth and Accuracy

Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports.

Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

ARTICLE V – Impartiality

To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

ARTICLE VI – Fair Play

Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports.

Persons publicly accused should be given the earliest opportunity to respond.

Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

– Adopted by ASNE's board of directors, October 1975

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STATE AND LOCAL GOVERNMENT UNITS ARE CREATED AND ALTERED TO MEET SPECIFIC NEEDS OF PEOPLE WITHIN THOSE UNITS; CONSTITUTIONAL LAW, TRADITION, AND NEED DETERMINE THEIR FORM AND FUNCTION.

"Government units," as used here, refers to all legally constituted governing bodies people create directly by petitioning and balloting or through action of their duly elected or appointed representatives. Government units embody, either singly or in combination, these three functions: (1) policy making, (2) policy administration, and (3) policy adjudication.

Typical government units in Oregon are

State government
County government
City government
School districts
Special districts (fire, water, sewer, port, etc.)

All units at all levels must be formed, revised, or dissolved under the law. People create, organize, tax, administer, evaluate and make changes in government only through a legal process. The United States Constitution, federal laws, the Oregon Constitution and state laws regulate our activities and protect our rights. For instance, the federal Constitution guarantees to each state a republican form of government which embodies the value concept "government by consent of the governed." It also establishes fundamental restraints on all levels of government through the Bill of Rights.

Tradition also determines what government is to do and how it shall do it. Value concepts such as "limited government" and "popular participation" have historically exerted strong influence on both the creation and modification of Oregon governments.

"Specific needs" refers to the recognition that people need or want a particular service which may be provided by creating and supporting government units such as special districts, boards, and commissions. For example, a rural fire district is created to provide basic protection to residents in a particular area. They tax themselves to buy needed equipment and pay persons to attend the station.

state government foundations

ORIGIN OF GOVERNMENT IN OREGON

Some time before a treaty in 1846 recognized the jurisdiction of the United States, American settlers in the Willamette Valley adopted a provisional government to administer their most urgent local affairs. The growth of the settlement and its attempt to become independent of the Hudson's Bay Company resulted in importing cattle from California. A leading figure in the cattle drive, Ewing Young, died in 1841, leaving no heirs in Oregon. Young's holdings in cattle and land made some method of administering his estate necessary. Led by the American missionaries, the community elected a judge and peace officer.

Provisional Government. Two years later, in 1843, "wolf meetings," held ostensibly to devise measures for the protection of livestock against wild animals, led to the adoption at Champoeg of a constitution and a provisional government. The arrival of a considerable number of new American settlers caused revisions and improvements in 1844-45, and when John McLoughlin added his influence in the latter year, he carried with him that part of the community influenced by the Hudson's Bay Company. George Abernathy was elected governor of this more effective organization, an office he held until the Oregon Territory was finally organized in 1849.

The American settler and missionary elements were not satisfied with a local government, however, and sent petitions to Congress, where action to organize Oregon Territory was delayed by the Mexican War and the sectional controversy. In late November 1847, the Whitman massacre dramatized the need for more protection. The provisional government raised and somehow supplied a regiment of volunteers who were sent into the Cayuse country to punish those Indians. A peace commission to keep other tribes friendly accompanied the regiment.

Joe Meek, ex-trapper, sheriff, and tax-collector of the provisional government, and a relative of President Polk's wife, was sent on a hurried trip to Washington, D.C., with news of the attack and a request for congressional action.

Oregon Territory. In 1848 both houses of Congress finally passed the bill creating the Oregon Territory. President Polk signed it on August 14. Early in March 1849 the new territorial governor, Joseph Lane of Indiana and of Mexican War fame, and Meek, now United States marshal, arrived in Oregon City, and the Oregon Territory was officially organized.

During the 1850's, population growth, politicians' aspirations, and other factors pressed Oregon toward statehood. In 1857, after three times voting against the proposal, each time by a smaller margin, the people of the territory approved the calling of a convention to frame a state constitution. The constitution was ratified. Without waiting for congressional action, the people elected a state government in 1858 with John Whiteaker as the first Governor.

On February 14, 1859, Congress accepted Oregon as the thirty-third state of the Union.

OUR STATE AND FEDERAL CONSTITUTIONS

The organization and growth of government in Oregon is directed by the Constitution of Oregon, which has two essential functions.

(1) It identifies and protects certain basic individual rights by limiting the powers of government as well as by charging specific government agencies with responsibility for programs designed to enhance these rights.

(2) It establishes the framework for all three branches of state government–executive, legislative, and judicial–as well as setting forth the broad outlines within which county and city governments can operate.

As powerful as the three branches of state government have become over the years, they are still controlled by the Oregon Constitution. Only the United States Constitution has higher authority.

The United States Constitution requires that each state be republican (representative) in its form of government and that each state extend the same privileges and immunities to citizens of other states that it gives to its own citizens. It imposes several limitations on state government (and local governments as agencies of the state). The Fourteenth Amendment, for example, prohibits any state from denying to any citizen the "equal protection" of the laws. This has had an important effect on zoning and apportionment, among other things.

One must understand, however, the general limitations imposed upon government–state, county, city, district–by the Bill of Rights of the United States Constitution. The Fourteenth Amendment is now regarded by the United States Supreme Court as making most of the substantive limitations in the Bill of Rights expressly applicable to state and local government (religious freedom, freedom of speech or of the press).

No change can be made in the Oregon Constitution without approval of the voters. Although it has been amended over 100 times, this requirement of a popular vote illustrates the essential democratic nature of state government. Proponents of certain public policies which could be authorized by statute often seek their enactment in the constitution. For example, the Oregon Constitution contains provisions earmarking highway revenues, authorizing public utility districts, etc. Also attorneys for purchasers of state and local government bonds have required constitutional and charter amendments to authorize bond issues, primarily because of the higher legal status and greater permanency.

Most amendments originated with the legislature rather than by initiative petition. Around 1902, however, there was a relatively short period of constitutional change through the initiative process; and for at least the past 20 years, there has been considerable agitation for constitutional reform.

The 1953 Legislative Assembly authorized a committee to undertake a study of the existing constitution and report its findings to the 1955 session. By a bare majority, the committee recommended that a constitutional convention be held. At that time a convention was the only way to get a new or revised constitution. The committee believed so many changes were needed that the task could not be undertaken through the regular referendum procedure, which requires a separate vote on each subject.

Along with its recommendation for a constitutional convention, the 1955 committee drafted a revised constitution which it thought would provide a good draft for initial consideration by the proposed convention. The draft closely followed the existing constitution in structure and philosophy, suggested some substantive changes, shifted subject matter into new arrangements, and dropped some parts as obsolete, statutory, or ambiguous. The 1955 Legislative Assembly, however, did not pass the necessary legislation to call a constitutional convention.

During the 1957 session, an amendment was proposed to provide an alternative method for revising the constitution. The convention method and the section-by-section referendum apparatus were retained, but, in addition, the legislature could refer the whole or partly revised constitution as a one-vote proposition, provided that two-thirds of each house approved the revision to be referred. In effect, the legislature would be a constitutional convention. The suggestion was not adopted by the legislature in 1957, but it was adopted in 1959, and, upon referral, was passed by the voters at the 1960 general election.

Thus, the 1961 Legislative Assembly faced the prospect of becoming a constitutional convention without benefit of preparation. It was obvious that, with its other tasks, the legislature did not have time to do ground work on revision. A Commission for Constitutional Revision, composed of representatives of all three branches of state government and the general public, was created by joint resolution. It was ordered to study the matter and report to the 1963 Legislative Assembly.

At its second meeting, the commission voted to undertake preparation of a draft which would represent a full revision of the constitution, rather than an attempt to "tidy up" existing text without proposing substantive changes.

Discussion centered on the commission's need to recommend a "whole" constitution to serve the state for the next century, rather than to recommend "editorial improvements" which might be more feasible politically. The majority of the commission believed that constitutional revision was needed, not because of serious textual faults, but because the constitution was faulty as a blueprint. The commission observed that the state operated despite the document's obsolete provisions and internal conflicts and concluded that if the state did not operate well, it was in part because of the constitution's faults as a political charter. Proposed revisions of the whole constitution, based on the recommendations of the 1961 commission, were rejected at the 1963 and 1965 legislative sessions. The 1969 Legislative Assembly voted to put the question of adopting the revised constitution on the ballot, but in May 1970, the people rejected the proposed new constitution.

CONGRESS AND THE FEDERAL GOVERNMENT

Oregon state and local governments must also operate within the framework of federal legislation and administrative regulations. Actions of Congress and the federal government have a tremendous impact on Oregon government and citizens (e.g., proposals concerning welfare, revenue sharing, model cities). Oregon, in turn, exerts influence in Congress and on administration of federal government through its two senators and four representatives.

Functions of a Senate or House Office. A Senate or House office in Washington is the hub of a member's activities. Here the majority of his or her staff works, ranging from seven people to as high as 50 (from the larger states such as New York or California). Staffs for Oregon's senators range from 30 to 35 people; for representatives about ten. Most of these individuals are employed at taxpayers' expense.

A senator's or representative's duties may be divided into several categories, and in all of these, except voting in committee and on the floor of the Senate or House, the senator or representative is actively assisted by his or her staff.

Communications. Members of Congress have an obligation to inform their constituents of their activities in Congress, potential federal legislation or administrative action that may be helpful or detrimental to their congressional district or state, and actions they have taken on behalf of their district and constituents. This function is primarily accomplished by newsletters, taped radio and television broadcasts, interviews by Washington correspondents for the major news services, and periodic visits to the district where they make speeches and meet with groups of constituents and reporters. The most time-consuming activity is answering mail. Each day hundreds of letters come from individual constituents who express displeasure or support for bills before the Congress; strong personal feelings about areas that need new or improved federal legislation; problems that their labor unions, businesses, cities, counties, or civic organizations need assistance with; requests for publications or other information that may be available from other federal agencies; personal problems that they may have encountered in dealing with a federal agency.

Casework. The problems that constituents have with federal agencies (e.g., social security problems, veterans' problems, military hardship situations, or just the refusal of a federal agency to communicate meaningfully) occupy a large amount of staff time. Each problem requires a great deal of individual attention, including correspondence to the federal agency involved and reports to the constituents, checking to see that the problem is progressing satisfactorily toward a solution. In this area a senator or representative and his or her staff act as an ombudsman for the constituent. The senator's or representative's office is not beholden to any federal agency, cannot be disciplined, reprimanded, censured or fired by any member of the federal bureaucracy, but can truly take an independent view to see that constituents' problems are fully and fairly decided according to law, custom, and equity.

Legislative Function. This is commonly conceived as the actual debate and voting senators or representatives do on the floor of the Senate or House, but most work is done long before these public gestures of support or disfavor for a bill. Most legislative work of the Congress is done in committee, and each member of the Senate or House serves on one, two, or sometimes three individual committees, requiring a great deal of time and attention. Here long hours of testimony are taken from expert witnesses, people who are knowledgeable about the proposed legislation and its effects. Of the approximately 25,000 bills that are introduced in each session, only about 2,000 ever emerge from committee and reach the floor of either house. On many there is little if any controversy, and they are passed by a voice vote with no debate. In addition, a senator or representative must propose legislation to meet problems that haven't been solved for contituents under existing law, inequities that develop in the relationship between an individual and the federal government, and to protect an individual or group interest that isn't presently being equitably treated. To draft a bill, follow it through the committee system, and see that it is among the five percent that survive the screening and selection process is an extremely demanding job.

District Projects. Representatives are responsible for seeing that their districts receive their full share of the federal help available to develop resources. Many times this is called "pork barrel," but this term belittles the extreme importance of these federal programs to the economy, safety, and quality of life in an area. In the Northwest, federal programs include navigation projects clearly important in developing deep sea commerce; flood control projects to improve the integrity of a harbor and make it available for year-round safe use for sports and for commerce; irrigation projects to store water for agriculture during the dry

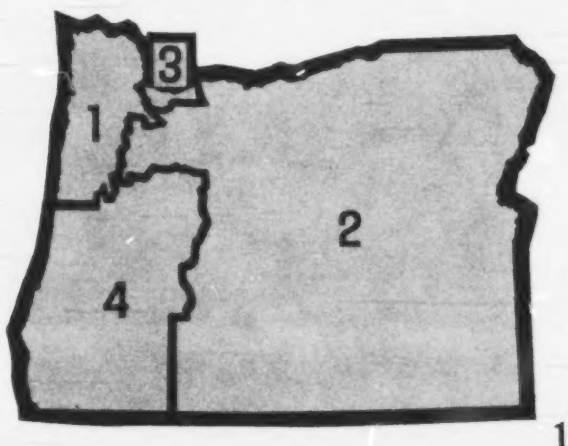
growing season; hydro-electric projects to provide electrical energy for industrial and domestic use; intensive timberland management programs to produce the most wood fibre from the land available while leaving adequate amounts of timberland for conservation and recreational use; adequate post offices to serve the public; and the maintenance of a percentage of federal agencies located in the district with their subsequent payrolls for local communities. To secure projects such as these for his or her district, each representative must compete against 434 other representatives who would like to have federal help extended to their districts.

Congressional Districts. Each state is required to come as close as possible to electing one representative for every 469,000 persons; however, each state is entitled to one representative, no matter what its population. The actual number of persons represented by a House member ranges from 302,173 (Alaska) to 617,671 (North Dakota). Each of Oregon's current four congressional districts has a population of about 523,000.

The Constitution does not provide for districting the states, but Congress has enacted legislation which requires congressional districts to be equal in population and contiguous. Also, the "one-man-one-vote" rule of the United States Supreme Court, based on the Fourteenth Amendment, rules out even a variation as small as three percent in population as being too much. The court requires that every state make a good-faith effort to achieve precise mathematical equality and will not find acceptable any argument that variances are justified if they are the result of attempts to avoid fragmenting political subdivisions or a community of interests.

After the 1970 census, Oregon fell short of gaining a fifth representative in the House by only 235 people. If Oregon continues to be one of the fastest growing states, it may gain a fifth seat after the 1980 census. Oregon's gain would be another state's loss, because the Constitution limits the House to 435 members divided among the states according to population (except that each state is entitled to one representative).

CONGRESSIONAL DISTRICTS



CONGRESSIONAL DISTRICT APPORTIONMENT

District 1	523,428
Benton	Polk
Clackamas	Tillamook
Clatsop	Washington
Columbia	Yamhill
Lincoln	
District 2	522,898
Baker	Linn
Clackamas	Malheur
Crook	Marion
Deschutes	Morrow
Gilliam	Sherman
Grant	Umatilla
Harney	Union
Hood River	Wallowa
Jefferson	Wasco
Klamath	Wheeler
Lake	
District 3	522,258
Multnomah	Clackamas
District 4	522,801
Benton	Jackson
Coos	Josephine
Curry	Lane
Douglas	Linn
Average	522,846

–Secretary of State, Elections Division

state government framework

Oregon's constitution gives powers to state and local governments largely based on the Tenth Amendment to the United States Constitution which declares that the powers not delegated to the federal government by the Constitution, or prohibited by it to the states, are reserved to the states respectively, or to the people. In other words, the drafters of the United States Constitution delegated to the federal government those powers which experience under the Articles of Confederation had demonstrated states could not perform properly for themselves. This category included:

(1) Powers of defense
(2) Conduct of foreign relations
(3) Domestic matters involving national interest or transcending the boundaries of individual states—e.g., interstate commerce, standards of weights and measures, full faith of credit (Art. IV).

The states, on the other hand, were governments possessing the residual powers which could be determined by a sort of process of elimination. If a given power were neither granted to the federal government nor denied to the states, it was assumed to belong to the states. This category included:

(1) Powers to preserve public peace
(2) Provision of public schools
(3) Control of local governments and responsibility for establishing their taxing authority.

Since the 1930's the federal role has rapidly expanded largely through the increase in financial aid to state governments, which has not come without new requirements and procedures. Today, a kind of "cooperative federalism" exists in which federal, state, and local governments share, and will continue to share, responsibility for many government functions including air and water pollution control; construction and maintenance of highways, roads, streets; police services; administration of justice; public health and welfare; education; consumer protection; natural resource management.

state government functions

ESTABLISHING PUBLIC POLICY: A LEGISLATIVE FUNCTION*

The legislature is an integral part of the process of proposing, deliberating, and setting public policy. In addition to its lawmaking functions, the legislature has political and "check-and-balance" functions. Oregon's Legislative Assembly:

(1) Provides an arena for the resolution of group conflict and the expression of public grievances. This function is often performed without the enactment of any legislation.
(2) Influences certain decisions of the executive and judicial branches of state government, as well as county, city, and school district government.
(3) Confirms Executive appointments to certain offices specified by law.
(4) Elects a governor in the event of a tie vote.
(5) In cases of treason, grants pardons or reprieves, commutes, or directs the execution of sentences.
(6) Has the power to call a convention to revise the state constitution.
(7) Creates and defines the authority of administrative units of government at state, county, and local levels.
(8) Has the power to ratify proposed amendments to the United States Constitution.

The Legislative Assembly might also be described as the state's board of directors, responsible for general revenue business in the billions of dollars. In making decisions to run the business, the legislators will consider about 1,500 bills and, relying largely on the recommendations of its committees, will enact about half of them.

Oregon's legislature does not exercise exclusive control over the lawmaking function. At least in the following ways legislative authority is shared in Oregon.

(1) At the state level, the legislature shares authority with the people. In 1902 the Oregon electorate overwhelmingly approved a ballot measure known as the "Initiative and Referendum Amendment," and in 1908 a second constitutional amendment "Recall Power on Public Officials." Oregon was among the first states to adopt all three popular legislative tools; and since 1902, the people have used the initiative petition over 200 times. The referendum has been invoked around 50 times. The recall, a powerful instrument, has had limited application in Oregon on the state level.

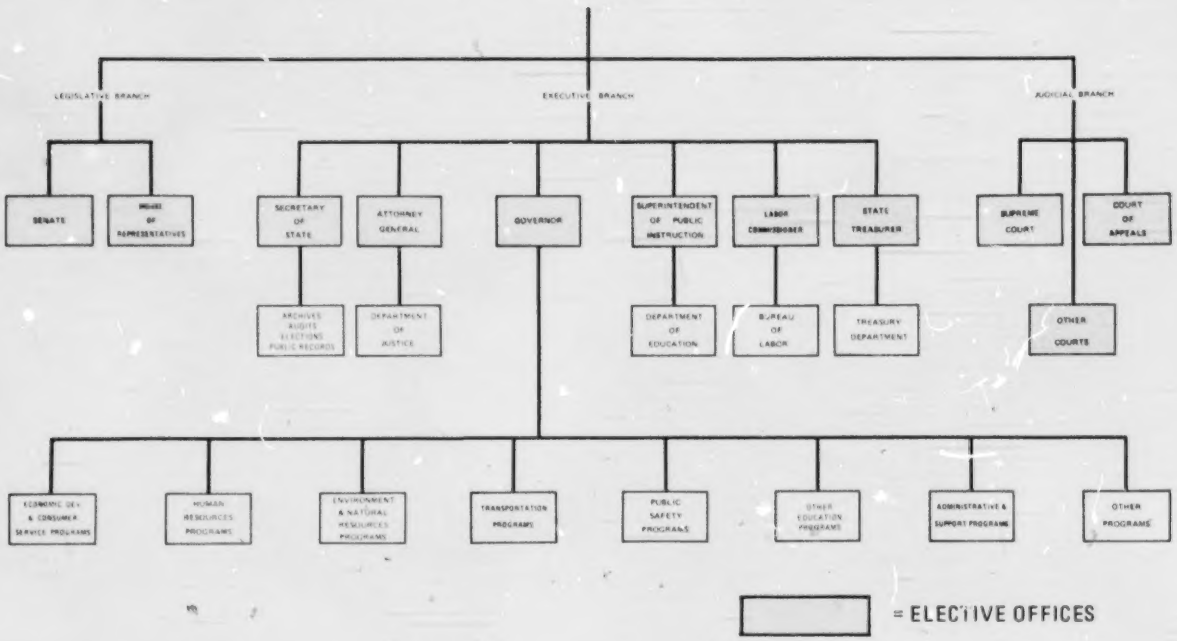
(2) The power of referendum places a major limitation on the state legislature that is unique to Oregon. The Oregon Constitution prohibits the legislature's declaring an emergency in any act regulating taxation or exemption. Because all acts not containing an emergency clause are subject to referendum, tax programs and biennial appropriations can be suspended if five percent of the legal voters file referendum petitions within 90 days following adjournment. For example, a referendum submitted to the people in 1963 would have increased personal income and corporation excise taxes to raise approximately $50 million more from these sources. At a special election following adjournment of the 1963 Legislative Assembly, the measure was not approved. The Governor convened a special session and legislation reducing expenditures was enacted.

(3) At the local level, the legislature shares its authority with the cities, all of which possess constitutionally granted home-rule authority and, since county home rule was constitutionally authorized in 1958, with counties that have adopted the home-rule charter.

(4) To preserve the balance of powers, legislative authority over judicial officers is strictly limited. The legislature cannot affect a judge's term of office or reduce his or her salary during the judge's term. The limitations are intended to preserve the independence of the judiciary, because the courts not only must interpret legislative intent in particular situations, but also are often required to examine state laws to determine whether they are constitutional.

*Except where otherwise noted, the source for the information which follows is the *Handbook of the Oregon Legislature* prepared by the Joint Committee on Rules and Regulations, which covers all aspects of the organization and procedures of the Legislative Assembly.

THE PEOPLE OF THE STATE OF OREGON



(5) The Governor has veto power over legislation and can call a special session of the legislature, although he or she cannot limit the subjects which the legislature may discuss at such a session or regulate its duration. The Governor is expected to make recommendations to the legislature concerning the operation of state agencies, including budget proposals.

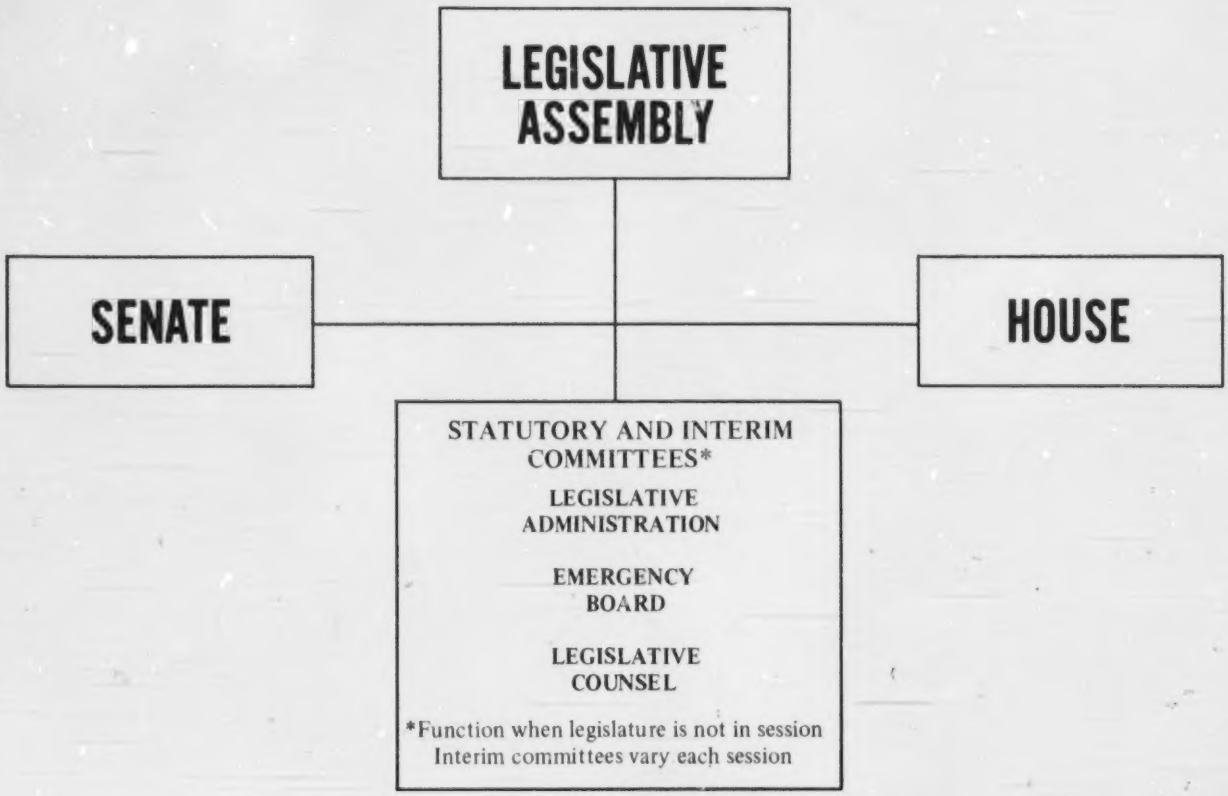
(6) The fact that more than half of Oregon's land area is owned by the federal government limits legislative power somewhat. Federally owned land cannot be taxed or subjected to zoning regulations, for example (although Congress has provided for payments in lieu of taxes and federal agencies often comply with local zoning as a matter of policy, or in some cases by virtue of federal statutory provisions).

(7) Another universal, and often troublesome, limitation on legislative authority is the general prohibition against delegation of legislative authority. The degree to which, within constitutional limits, state agencies may administer and execute legislative policy without specification of details in the enabling legislation is a question constantly confronting a state legislature.

The administrative process begins with a bill being enacted into law. Many laws designate administrative agencies to administer them and give rule-making authority because laws can rarely cover every detail. But the legislature needs to know whether agencies make unusual or unexpected use of the powers delegated to them, and it needs to know whether its policy decisions, embodied in its laws, actually meet the needs they were intended to meet. Sometimes agencies report needed changes in the laws; sometimes interest groups report dissatisfaction over the administration of a law. Individuals who have encountered difficulty may complain to their legislators.

In 1963 the legislature adopted (over the Governor's veto) another means of keeping informed—review upon request, of administrative rules by the Legislative Counsel Committee. In 1975 the legislature passed a law making such review of new rules required by law mandatory. The committee reviews an administrative rule to determine (1) whether it is within the intent and scope of the enabling legislation, (2) whether it has been adopted in accordance with all applicable provisions of law, and (3) whether constitutional provisions have been observed. The committee has no authority to revoke, modify, or suspend the operation of any rule.

Oregon has a two-house, or bicameral, legislature whose 30 senators and 60 representatives are elected by the people. Oregon's Constitution requires that seats be apportioned by the legislature according to population after each federal census, and the Constitution was amended by initiative in 1952 to incorporate enforcement provisions. If the legislature fails to reapportion, or if its reapportionment does not meet constitutional requirements, the Oregon Supreme Court is authorized to direct the Secretary of State to draft a reapportionment measure which does comply. Both houses have essentially the same powers, except that only the House of Representatives has power to introduce legislation affecting taxation and exemption, and only the Senate has power to confirm gubernatorial appointments.



LEGISLATIVE GLOSSARY

ACT. A bill which has passed both houses of the legislature, has been submitted to the Governor, and has not been vetoed. A law or statute.

ADJOURNMENT. There are two types of adjournment of the legislature – adjournment to a time certain (daily session to daily session) and adjournment sine die (final adjournment). One chamber, without the concurrence of the other, cannot adjourn for more than three days. A motion to adjourn is always in order and is not debatable. By custom the member of a chamber senior in service makes the motion for daily adjournment. The constitution only requires biennial sessions; the legislature sets its own dates for convening and adjourning. (See also **SESSION.**)

ADVANCE SHEETS. A series of pamphlets of all acts which are passed (printed during the session in their final form). These are a preview of a later hardbound publication referred to as the "Session Laws," and are intended to inform the public of legislation enactments as fast as possible. Advance sheets are distributed by the Legislative Counsel, which charges for the complete series.

APPROPRIATIONS. Bills requiring public financing such as bills providing funds for operation of state agencies. Almost always such bills are referred to the Ways and Means Committee, and they usually originate in the House of Representatives.

ASSEMBLY. (See **LEGISLATIVE ASSEMBLY.**)

BAR. The Oregon State Bar. A team of Bar members (lawyers) maintains an office in the Capitol during the legislative session to aid any legislator or committee with the drafting of bills, amendments, etc.

BAR OF THE HOUSE. The waist-high structure enclosing the official section of each chamber where members sit. Only authorized personnel are allowed within this enclosure when the legislature is in session, and all voting must be done within the enclosed area.

BILL. A properly printed document proposing new law or amendments to existing Oregon Law. Also called a "measure," a "resolution," a "memorial." Copies of bills may be obtained from the "Bill Room" in the Capitol.

BILL INDEX. Each Monday legislators receive copies of a cumulative index to legislative measures previously introduced. It is prepared by the Legislative Counsel and is available to the public through the Bill Room in the Capitol, or through individual legislators.

CALENDAR. A publication listing all measures before each house in numerical order and recording the action taken to date; published daily and cumulated weekly. During the session it is available to the general public in the Bill Room at the Capitol. The final calendar is a recap of all action taken, including all measures introduced, their disposition, action taken by the Governor, names and addresses of members, etc. Requests for copies of the final calendar should be made through a legislator.

CALENDAR CLERK. An employee in each house, appointed by the members, who is responsible for preparing and publishing the calendar.

CALL. A "call of the House" or a "call of the Senate" requires attendance of all members. When either house is getting ready to

vote on a proposal, the presiding officer, if requested to do so by two members, sends out a "call." The Sergeant at Arms is responsible for finding any missing members. When there is a "call," voting is held up until all members are present.

CAUCUS. A political meeting of legislators, in one house or both, to select majority or minority leaders and to decide questions of policy regarding the proposed legislative program. Caucuses may be held prior to the opening of or during a session. The caucus of the members of the majority (or coalition) party in each house meets at the beginning of a new session to organize each house—select the officers, employees, and committee members. This is possible because members of a caucus pledge their votes. (Minority members have little to say in such matters, but they do caucus to put up a slate of candidates for standing committee assignments.)

CERTIFICATE OF ELECTION. Official notice that a candidate has been elected, issued by the Secretary of State.

CHIEF CLERK OF THE HOUSE. The person responsible for the Desk personnel and for handling administrative detail under the supervision of the Speaker of the House. This person is not a member of the legislature and is elected by the majority (or coalition) party members of the House; he or she is a salaried employee.

CLOTURE RULE. The rule limiting the length of time a member may have the floor in debate.

COALITION. An alliance of members of two political parties for the purpose of gaining enough votes to organize and administer the House or the Senate.

CODE. Body of laws, such as the *Oregon Revised Statutes*, or a section within a total body of laws, which deals with a particular subject (e.g., the Criminal Code).

CODIFICATION. The systematic arrangement of laws in the *Oregon Revised Statutes* by the staff of the Legislative Counsel. (See also **EDITING.**)

COMMITTEE OF THE WHOLE. Each house may form a committee of the whole – that is, all the members present on the floor become a single committee. In such cases the presiding officer leaves the chair and appoints another member as chair of the committee of the whole. The primary reason for the formation of a committee of the whole is probably the consideration of a legislative measure or matter under the less formal procedures of committee action. However, the committee of the whole is a time-consuming device and is rarely used.

CONCURRENT RESOLUTION. Used for matters affecting the operations and procedures of the legislature, such as joint sessions, appointments of joint committees, adjournments, and for commendation and expressions of sympathy and condolence.

CONFERENCE COMMITTEE. A temporary committee made up of two members of each house to reach a compromise on changes in a bill that has passed both houses, but has been amended by one of the houses before passage; the committee attempts to prepare a version of the measure acceptable to both houses.

CONSTITUTIONAL AMENDMENT. A proposal, in the form of a joint resolution, for an amendment to Oregon's Constitution. If the resolution passes both houses, it is referred to the people for their approval or rejection at a general or primary election. The Governor cannot veto a resolution.

DESK. The Desk is comprised of a Journal Clerk, a Calendar Clerk, and a Reading Clerk. Both the House and the Senate have a "Desk."

DIGEST OF OREGON LAWS. A pamphlet published by the Legislative Counsel immediately following the closing of a session, giving a thumbnail sketch of all areas of law affected by action of the legislature at that session. It may be purchased through the office of the Legislative Counsel in the State Capitol.

EDITING. The act of reviewing measures passed and placing them in their proper places in the *Oregon Revised Statutes*. (See also **CODIFICATION.**)

EFFECTIVE DATE. The date on which a measure would take effect. Unless otherwise stated in the measure, all approved legislation becomes effective 90 days after the end of the session. However, a bill may carry a later effective date, such as a year or more. It may also carry an earlier effective date for which an emergency clause is required. (See also **EMERGENCY CLAUSE.**)

EMERGENCY BOARD. A committee of legislators authorized by the constitution and created by statute with the power to reallocate agency budget funds or use special emergency funds to solve pressing financial problems which arise between legislative sessions. This committee functions only between sessions.

EMERGENCY CLAUSE. A clause added to a bill which would cause it to go into effect before the statutory 90-day limit. Every bill which carries the emergency clause refers to it in the title. The clause reads: "This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage" (or sooner than 90 days). This clause may not be used on tax measures because it would prevent a referral to the people.

ENGROSSED BILL. A bill which has been reprinted to include all amendments proposed by the committee to which it has been assigned. Amendments are written in longhand so members can find and analyze the effect of proposed amendments to the original measure.

ENROLLED BILL. A bill which has passed both the Senate and the House and is printed, ready for the signatures of the presiding officers and the Governor. When these signatures are affixed, it goes to the Secretary of State to be given a session law number and permanently filed.

EXECUTIVE APPOINTMENTS COMMITTEE. A statutory committee of senators that confirms Executive appointments made when the legislature is not in session until such time as the Senate itself can act.

EXECUTIVE SESSION. A committee session from which the public is excluded. (Rare)

EXPLANATION OF VOTE. Any member of either house has the right to explain his or her vote on a measure, and have his or her explanation entered on the *Legislative Journal* as a permanent record. The constitution refers to this procedure as a "Protest."

FIRST READING. (See **READING CLERK.**)

FISCAL. Matters relating to money, public funds, or revenues.

FISCAL YEAR. The period from July 1 through June 30. Legislative appropriations are generally for one or two "fiscal years" and, as a result, agency budgets are prepared for fiscal rather than calendar years.

HOUSE. Usually means House of Representatives, but may also refer to the Senate when speaking of "either house."

INTERIM COMMITTEE. A legislative committee which serves between sessions. It is formed by a resolution passed by both the House and the Senate; funds come from appropriation by the legislature. Interim committees are usually formed for the purpose of studying particular problems and preparing appropriate legislation for the next legislative session.

INTERSTATE COOPERATION COMMITTEE. A statutory committee of legislators in each house. These two committees, together with the Governor's Committee on Interstate Cooperation, constitute the Oregon Commission on Interstate Cooperation. It is the function of this commission to "do all such acts as will, in the

opinion of the commission, enable this state to do its part, or more than its part, in forming a more perfect union among the various governments in the United States, and in developing the Council of State Governments for that purpose."

JOINT COMMITTEE. A committee made up of members of both the House and the Senate, such as the Joint Ways and Means Committee.

JOINT MEMORIAL. Ordinarily used to make a request upon, or an expression of opinion to, Congress or the President of the United States, or both. It is used when both chambers join in the request or expression of opinion.

JOINT RESOLUTION. Used to propose constitutional amendments, create interim committees, give directions to a state agency or officer, express legislative approval or commendation of action taken by someone else, or authorize some type of temporary action to be taken. A joint resolution may also authorize expenditures out of the legislative expense appropriations, but may not itself appropriate money.

JOINT WAYS AND MEANS COMMITTEE. A statutory committee of seven members of each house whose function is to investigate the management of state agencies and institutions supported by state moneys. The investigation is done in connection with the appropriation bills, which are all referred to this committee. Seldom does the legislature overrule a Ways and Means Committee recommendation.

JOURNAL. The legislative "diary" published after the end of each session. It is a complete record of the proceedings of a legislative session. A bound volume is kept in the Secretary of State's office and can be read by any citizen. Unbound copies (limited printing) are also available.

JOURNAL CLERK. An employee in each house, appointed by the members, who keeps the daily *Journal* and prepares the final *Journal* for publication.

LAW IMPROVEMENT COMMITTEE. A statutory committee of legislators which conducts a continuous substantive law revision program and recommends to the legislature changes which eliminate defects and inequitable rules of law and bring the law into harmony with modern conditions.

LEGISLATIVE ADMINISTRATION COMMITTEE. A statutory committee – the two presiding officers, the chairs of the Joint Ways and Means and Senate and House Rules Committees, and the majority and minority leaders – which appoints a Legislative Services Administrator to carry out its responsibilities, including coordination or control of work flow, style of legislative publications, rules and procedures, application of technological changes and improvements, orientation activities, space and facilities, accounting, supplies, records, and research. The committee is also a clearinghouse for inquiries from other states, members of the legislature, and the general public.

LEGISLATIVE ASSEMBLY. The law-making body of Oregon government, consisting of a 30-member Senate and 60-member House of Representatives. The Legislative Assembly – the legislature – is the branch of government most specifically designed to represent and respond to the wishes of the people and is an integral part of the process of proposing, deliberating, and determining public policy.

LEGISLATIVE COUNSEL. The executive officer (not a legislator) of the Legislative Counsel Committee who maintains offices and staff in the Capitol on a year-round basis.

LEGISLATIVE COUNSEL COMMITTEE. A statutory committee that is the policy-making body for the office of the Legislative Counsel. The primary responsibilities of this committee include: preparing legislative measures; editing, publishing and distributing the *Oregon Revised Statutes*; publishing and distributing the *Session Laws* and the Senate and House *Journals*; performing research services when requested by any committee of the Legislative Assembly or by joint or concurrent resolution; participating in legal proceedings necessary to protect the official interests of the Legislative Assembly, its committees, or its members; reviewing administrative rules when requested; and registering all lobbyists.

LEGISLATIVE FISCAL OFFICER. The executive officer (not a legislator) of the Legislative Fiscal Committee. His or her main responsibility is maintaining a line of fiscal communication between the Legislative Assembly, the Department of Finance, and the operating agencies of the Executive branch.

LEGISLATIVE IMMUNITY. A legislator is protected by the constitution from being prosecuted for defamation in connection with any words he or she utters in legislative debate.

LEGISLATIVE SERVICES ADMINISTRATOR. (See **LEGISLATIVE ADMINISTRATION COMMITTEE.**)

LEGISLATOR. A member of the Legislative Assembly, elected by the voters of a legislative district. A senator serves a term of four years; a representative serves two. Every legislator must be at least 21 years of age (18, if voters approve in November 1976), a United States citizen, a resident of his or her legislative district for one year. However, if elected from a subdistrict, he or she need not reside in the subdistrict. During legislative sessions legislators have legislative immunity, and expect in cases of treason, felony, or breach of peace, they are privileged from arrest or any civil process.

LOBBYIST. The First Amendment of the United States Constitution establishes the right of the people to petition the government for redress of grievances. The lobbyist exercises this right by attempting to convince legislators to introduce or vote for measures favorable to the special interest group he or she represents, or to vote against measures which are contrary to his or her interests.

MAJORITY LEADER. The floor leader (a legislator) of the majority party, whose duty is to manage his or her party on the floor of the House or Senate. He or she is a strategist, responsible for assuring that members of his or her party vote according to decisions made by the party caucus.

MAJORITY REPORT. The recommendation of the majority of the members of a standing committee concerning action the Legislative Assembly should take on a specific measure. (See also **MINORITY REPORT.**)

MAJORITY WHIP. A legislator who serves as an assistant to the Majority Leader. The "Whip" must canvass party members on a bill and keep the Majority Leader advised of how party members will vote.

MEASURE. A bill, resolution, or memorial which will become an act upon passage by both houses and approval by the Governor.

MEASURE SUMMARY. A brief (usually one- or two-sentence) description of a measure appended to the typed or printed copy as a cover page.

MEMORIAL. A measure, or bill, passed by either house, or jointly by both houses, which is an expression of opinion to the President, to Congress, to some national board or commission, or to another state legislature, on programs affecting this state.

MINORITY LEADER. The floor leader (a legislator) of the minority party, with the same responsibilities as the Majority Leader.

MINORITY REPORT. A written report and recommendation to the Legislative Assembly by the members of a standing committee who oppose the majority recommendation of that committee on a measure sent to either house for consideration.

MINORITY WHIP. A legislator who serves as an assistant to the Minority Leader, with the same responsibilities as the Majority Whip.

NO RECOMMENDATION. A statement from a standing committee that it makes no recommendation on a measure assigned to it for consideration as to passage. (Rare)

OREGON REVISED STATUTES. The official compilation of the laws of the State of Oregon. After each session of the legislature, the new laws and amendments to existing laws are incorporated into ORS. The Legislative Counsel is responsible for fitting the new laws into the existing statutes, and for renumbering them accordingly. (See **CODIFICATION** and **EDITING.**)

OVERRIDING A VETO. If both houses of the legislature (by a two-thirds margin) vote for passage of a bill that has been vetoed, the bill becomes law without the approval of the Governor. A bill which has passed and been vetoed during the session can be reconsidered during that same session. A bill vetoed after the end of the session is the first order of business at the next session.

PAGE. The primary purpose of a page is to run errands and otherwise aid the senator or representative who employs him. A page is appointed by the members of the Senate or House, and a person wishing to become a page must be sponsored by a legislator. These are patronage jobs, traditionally controlled by the majority party in each house.

PETITION. Any private citizen or group of citizens may petition the legislature to change a law already in existence, or to create a new law. A petition must be introduced by a legislator acting on behalf of such citizen or group of citizens.

PRESIDENT OF THE SENATE. (See **PRESIDING OFFICERS.**)

PRESIDING OFFICERS. The President of the Senate and Speaker of the House. The presiding officers are elected by their respective bodies and are among the most influential legislators in the state. A presiding officer (1) appoints committee members, chairs, and vice chairs; (2) refers bills and other measures to committees; (3) controls and directs the use of rooms and other areas set apart; (4) controls employees; (5) decides all questions of order, subject to appeal; (6) preserves order and decorum and speaks on questions of order in preference to any other member; and (7) appoints certain employees.

PRO TEMPORE. Each body has a presiding officer "pro tempore," but if the office of presiding officer becomes vacant, the members elect a new permanent presiding officer.

PROTEST. (See **EXPLANATION OF VOTE.**)

QUORUM. Presence of two-thirds of the members of a chamber. A quorum is required before either house can conduct official business.

RE-ENGROSSED. A bill which has been engrossed and then amended, necessitating incorporating the new amendments into the engrossed measure. (See **ENGROSSED BILL.**)

READING CLERK. An employee in each house, appointed by the members, who is primarily charged with the responsibility of reading aloud all measures that are introduced for consideration. It is a constitutional requirement that each bill be read three times. The first reading acquaints members with the fact that such legislation is being introduced. The second reading takes place when the bill is assigned to a standing committee for study and recommendation, and the third reading takes place when the house is ready to debate and vote on the bill. Originally, only one copy of each bill was printed, and this necessitated the public reading. Today, the procedure is still followed, but upon a two-thirds vote of the house considering the bill, the constitutional requirement for a section-by-section reading can be suspended and the reading clerk can read only the measure number, title and sponsors.

RECALL. A constitutional procedure by which voters may remove an official from office.

REMONSTRANCE. An order of business in the Senate which allows a senator the opportunity to express his views.

REPRESENTATIVE. (See **LEGISLATOR.**)

RESOLUTION. A measure, or bill, usually containing expressions of sorrow over death of a former member or public official; expressions of appreciation for special services; amendments to the legislative rules, etc. May be by either house, or joint concurrent. A resolution to adjourn sine die requires a concurrent resolution passed by both houses.

REVENUE MEASURE. A bill which raises funds through taxation. A revenue measure cannot contain an emergency clause and is frequently referred to the people. It must be introduced in the House of Representatives.

RULES. Each house follows Mason's *Manual of Parliamentary Procedure,* except that individual house rules apply in situations which are not covered by the manual. Copies of the rules of each house are distributed to legislators at the beginning of each session, but no provision is made for general public distribution.

SECOND READING. (See **READING CLERK.**)

SECRETARY OF THE SENATE. The person responsible for the Desk personnel and for handling administrative detail under the supervision of the President of the Senate. This person is not a member of the legislature and is selected by the majority party members of the Senate.

SENATOR. (See **LEGISLATOR.**)

SERGEANT-AT-ARMS. The person charged with maintaining order in the chamber and performing such other duties as the house or its presiding officer may direct. The Sergeant-at-Arms is elected by each house.

SESSION. The length of time the legislature meets. Oregon's Legislative Assembly convenes in Salem on the second Monday in January of odd-numbered years and has no time limit set on its sessions. Regular sessions are fixed by statute. The Governor has the power to convene special sessions, if necessary.

SINE DIE. The exact hour and date of the end of a session of the legislature. The term means "adjourned, with no time set for reconvening."

SPEAKER OF THE HOUSE. (See **PRESIDING OFFICERS.**)

SPECIAL COMMITTEES. Special committees function during the legislative session for single, specified purposes, and are sometimes appointed to handle details of special occasions.

SPECIAL INTEREST GROUPS. Any group of persons working to introduce or secure passage or defeat of a bill in which they have a special interest.

SPONSOR. The legislator who introduces a measure. Most measures list several sponsors.

STANDING COMMITTEES. Those committees which operate in each house during a legislative session to study measures introduced and make recommendations to their respective houses concerning appropriate action.

STATUTE. (See **ACT.**)

STATUTORY AUTHORITY. Power, conferred by law, to perform a function or duty.

STATUTORY COMMITTEE. A permanent committee authorized by statute, as distinguished from an interim committee that functions only between the session at which it is created and the following session.

TABLE. The decision of a standing committee to put off considering a measure. Sometimes such a measure later is "removed from the table" and considered at a later date; sometimes it is "on the table" at adjournment.

THIRD READING. (See **READING CLERK.**)

VETO. The Governor's expression of disapproval of a measure that has been passed by the legislature and signed by the presiding officers. After a session has ended the Governor has 20 days to sign or veto bills passed during the session. If the Governor does not veto a measure, even though not signing it, the measure becomes law without the Governor's signature. Oregon does not have what is called a "pocket veto," which allows a governor to veto a bill simply by failing to sign it.

VETO MESSAGE. A written report to the legislature by the Governor giving his or her reasons for disapproving a bill vetoed.

VOTING. The Oregon legislature uses three methods—roll call, voice or standing, or unanimous consent. In most cases a majority vote is sufficient to pass or defeat a measure. No legislator may vote if he or she is not on the floor when the question is stated (Senate), or last name is called (House), unless unamimous consent is given for him or her to do so. Legislators who are on the floor at the time a question is put must vote, unless the chamber excuses them for special reasons. (See also **CALL.**)

WAYS AND MEANS COMMITTEE. (See **JOINT WAYS AND MEANS COMMITTEE.**)

WORKING SESSION. The meeting of a standing committee to discuss amendments and prepare committee reports. It is open to the public, but no testimony is taken.

INTERPRETING THE LAW: A JUDICIAL FUNCTION

The source of judicial authority in Oregon is the Oregon Constitution, which authorizes a Supreme Court, provides for the creation of circuit, county, justice of the peace, municipal and other lower courts, and delegates to circuit courts all judicial power, authority, and jurisdiction not specifically given by the legislature to another court.

The legislature has defined the rules of procedure and the geographical, civil, and criminal jurisdiction of all trial courts of the state system. District courts and administrative tribunals are created by state law. The legislature has given cities the power to create municipal courts by local charters.

It is also the legislature, rather than the constitution, that grants the right of appeal. In Oregon, appeals may be made from decisions of lower trial courts, except the district courts after January 1, 1977, and tribunals to the circuit court and thence to the Court of Appeals or Supreme Court. In criminal convictions only the defendant can appeal. It is possible for the prosecution to appeal certain rulings made by the judge during the course of a trial, but the prosecution cannot appeal a conviction. This, in essence, is protection against "double jeopardy," the right not to be tried twice for the same crime.

Criminals convicted in state courts may appeal to the federal courts if they believe their federal constitutional rights have been violated.

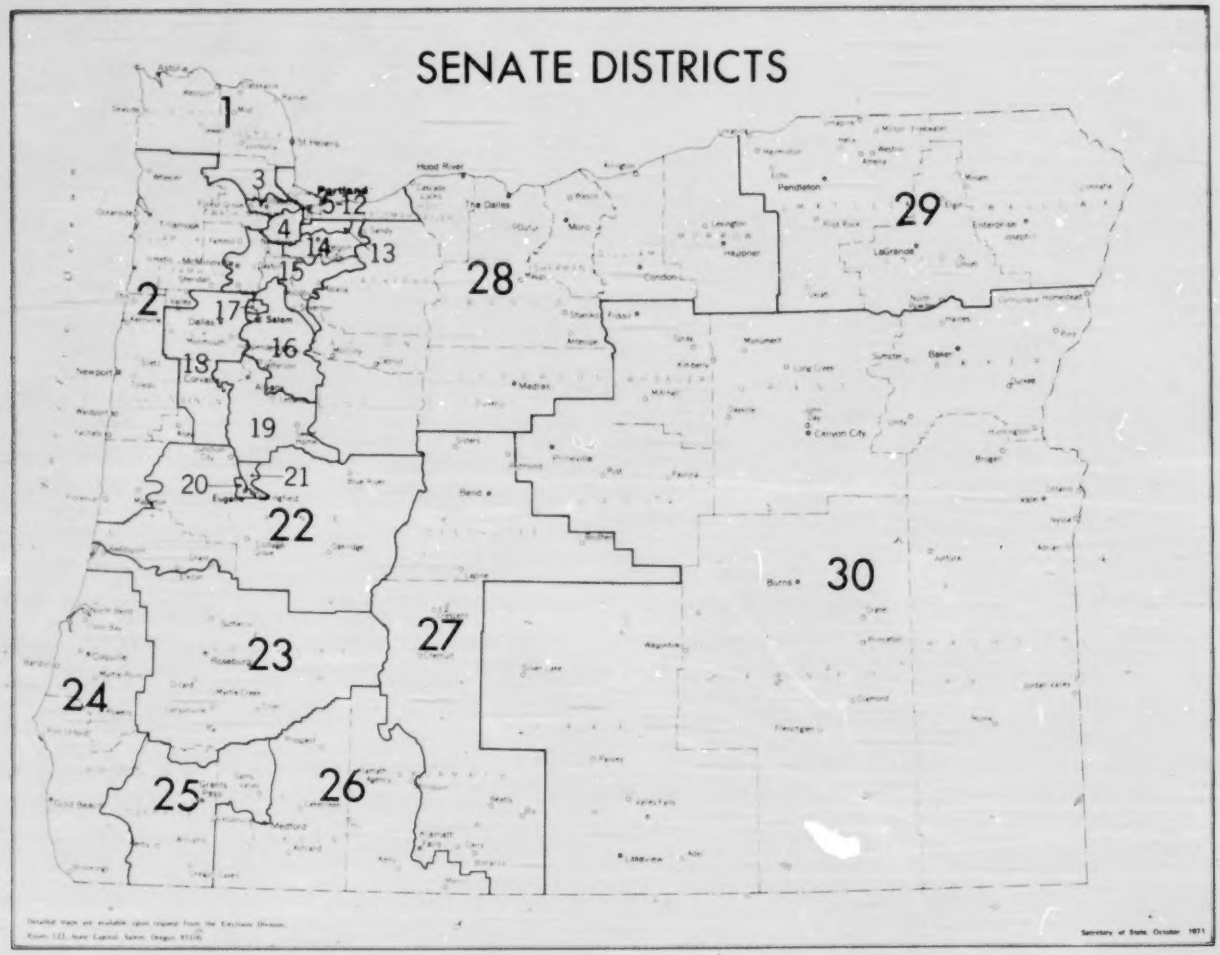
Oregon courts have several basic functions. One is to determine the constitutionality of Oregon laws and government actions, subject to appeal to the U.S. Supreme Court. This country made a major contribution to the science of government when it conceived and developed the "doctrine of judicial review"—the principle that the courts have power to declare statutes and other government actions unconstitutional. The impact of this doctrine is profound, whether for maintenance of the federal system or for vindication of individual rights.*

No express provision in the United States Constitution or the Oregon Constitution authorizes judicial review by a higher court. This was established by a United States Supreme Court decision in Marbury vs. Madison in 1803, based upon two main arguments: (1) several provisions in the Constitution establish an independent judiciary, coequal with both the legislative and executive branches of government; (2) the most pertinent provision declares that the Constitution is the supreme law of the land imposing prized limits on government. On these arguments rested hope for protection of minorities and property rights against the expected depredations of any department of government permitted to exercise supreme power. If constitutions were law, then courts would be their proper guardians. In essay No. 78 of *The Federalist*, Alexander Hamilton stated the classic argument for judicial review. He said, in part:

> The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no *ex post facto* laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

A second basic function of the Oregon courts is to interpret Oregon law as it applies to particular situations. Oregon courts, as the courts of other states and the federal government, administer both civil and criminal law. The law provides rules by which society governs itself both in the settlement of disputes between citizens (civil law), and in

*This discussion of the doctrine of "judicial review" is based upon Noel T. Dowling and Gerald Gunther, "The Judicial Function in Constitutional Cases" in *Constitutional Law: Cases and Materials* (Brooklyn, N.Y.: The Foundation Press, 1965).



SENATE DISTRICTS

(One Senator elected from each district)

Population of Oregon: 2,091,385 (1970 Census)
Estimated Population 1974: 2,266,000
Ideal District Size: 69,713

DISTRICT	COUNTY	POPULATION
1	Col., Clatsop, Wa.	69,291
2	Benton, Lane, Linc., Polk, Till., Wa., Yam.	69,565
3	Washington	70,304
4	Washington	69,911
5	Multnomah	69,793
6	Multnomah	69,655
7	Multnomah	69,477
8	Multnomah	69,566
9	Multnomah	69,428
10	Multnomah	69,487
11	Multnomah	69,699
12	Multnomah	69,562
13	Clackamas	69,844
14	Clackamas	70,023
15	Clackamas, Marion, Yamhill	69,560
16	Linn, Marion	69,533
17	Marion, Polk	69,482
18	Benton, Polk	69,653
19	Benton, Linn	69,709
20	Lane	69,200
21	Lane	69,293
22	Douglas, Lane	69,332
23	Douglas, Josephine	69,701
24	Coos, Curry	69,521
25	Josephine, Jackson	70,070
26	Jackson, Klamath	69,826
27	Deschutes, Klamath	70,211
28	Clackamas, Gilliam, Hood River, Jefferson, Linn, Marion, Morrow, Sherman, Wasco	69,666
29	Umatilla, Union, Wallowa	70,547
30	Baker, Crook, Grant, Harney, Lake, Malheur Wheeler	70,476

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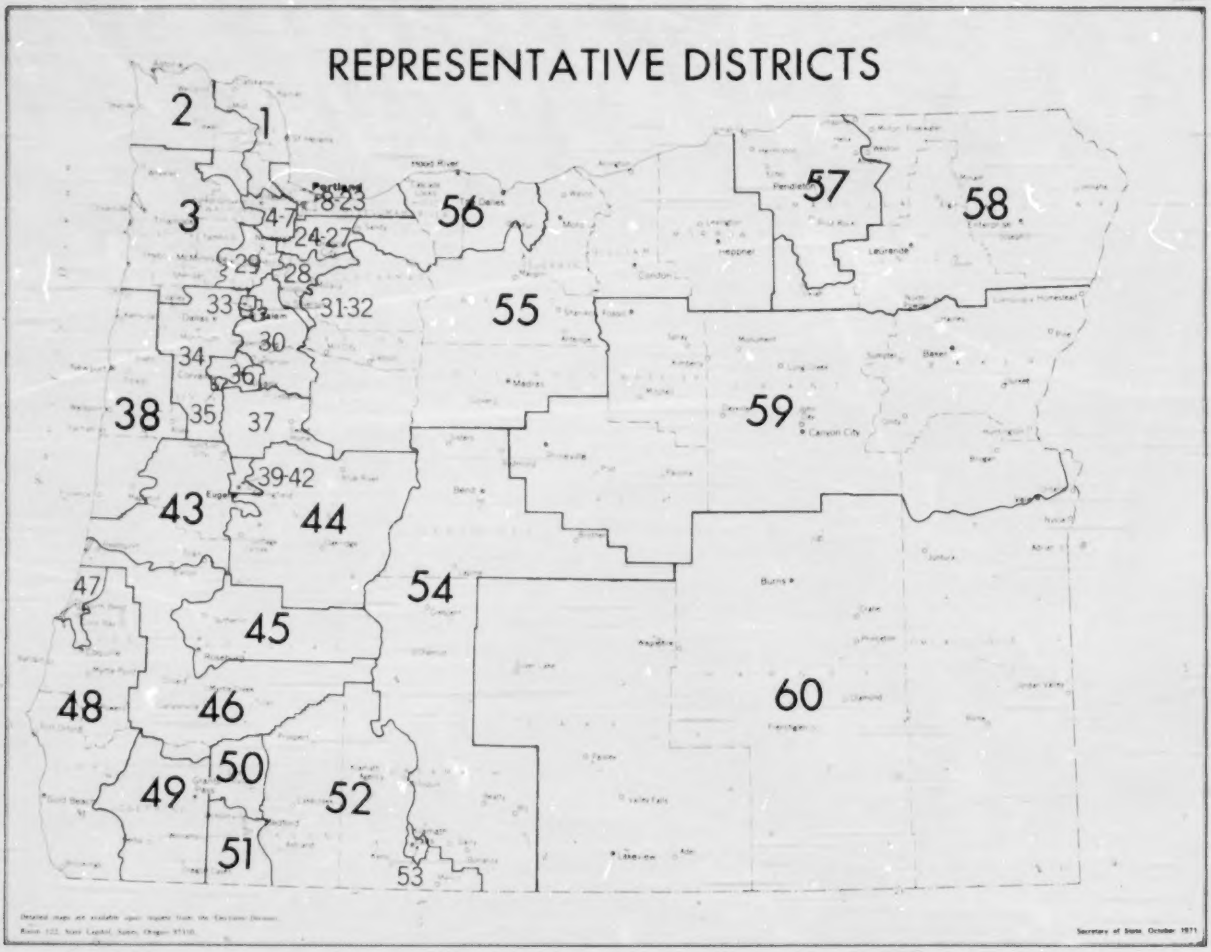
–Secretary of State, November 1971



REPRESENTATIVE DISTRICTS

(One Representative elected from each district)

Population of Oregon: 2,091,385 (1970 Census)
Estimated Population 1974: 2,266,000
Ideal District Size: 34,856

DISTRICT	COUNTY	POPULATION
1	Col., Wash.	34,662
2	Clat., Col., Wa.	34,629
3	Polk, Till., Wa. Yamhill	34,701
4	Washington	35,198
5	Washington	35,106
6	Washington	35,089
7	Washington	34,822
8	Multnomah	34,773
9	Multnomah	35,020
10	Multnomah	34,884
11	Multnomah	34,771
12	Multnomah	34,825
13	Multnomah	34,652
14	Multnomah	34,608
15	Multnomah	34,958
16	Multnomah	34,764
17	Multnomah	34,664
18	Multnomah	34,737
19	Multnomah	34,750
20	Multnomah	34,936
21	Multnomah	34,763
22	Multnomah	34,789
23	Multnomah	34,773
24	Clackamas	34,881
25	Clackamas	34,963
26	Clackamas	34,944
27	Clackamas	35,079
28	Clack., Marion	34,875
29	Marion, Yam.	34,685
30	Linn, Marion	34,871
31	Marion	34,662
32	Marion	34,931
33	Marion, Polk	34,551
34	Benton, Polk	34,714
35	Benton	34,939
36	Benton, Linn	34,747
37	Linn	34,962
38	Ben., Lane, Linc.	34,864
39	Lane	34,626
40	Lane	34,574
41	Lane	34,613
42	Lane	34,680
43	Douglas, Lane	34,658
44	Lane	34,674
45	Douglas	34,858
46	Doug., Joseph.	34,843
47	Coos	34,750
48	Coos, Curry	34,771
49	Josephine	35,111
50	Jackson	35,061
51	Jackson	34,959
52	Jack., Klamath	34,765
53	Klamath	35,103
54	Desch., Klam.	35,108
55	Clackamas, Gill., Jeffer., Linn, Marion, Morr., Sherman, Wasco	35,033
56	Clackamas, Hood River, Wasco	34,633
57	Umatilla	35,230
58	Umatilla, Union Wallowa	35,317
59	Baker, Crook, Grant, Malheur Wheeler	35,284
60	Harney, Lake, Malheur	35,192

—Secretary of State, November 1971

the prosecution of offenses against the public (criminal law). The origins of both our civil and criminal law are found in the English and American common law, consisting of the stream of court decisions defining the rights and duties of individuals in their relationships with others and with the government. Civil law has developed both from case law and statutory sources. While the basic criminal law in Oregon is entirely statutory, many court decisions have been rendered interpreting and occasionally repealing the codified law.

The Oregon State Bar. The Oregon State Bar is a vital adjunct to Oregon's judicial system. The Bar was created in 1935 by the Legislative Assembly and charged with the improvement of the administration of justice, and the maintenance of professional ethics and discipline of attorneys. No person can practice law unless he or she is an active member of the Oregon State Bar, except for the right reserved to litigants to prosecute or defend their own case in person.

The Board of Bar Examiners has nine members, nominated by the Oregon State Bar and confirmed by the Supreme Court, who conduct the examination of persons who seek admittance to the bar. The examination is given twice annually beginning in February and July. Persons who pass the examination are admitted to the bar by the Supreme Court and then become Oregon attorneys-at-law.

Public Defenders. Public Defenders are available locally where funded. In 1975, only Multnomah County provided such an office, with contract service to Washington County. Oregon has had, since 1963, a Public Defender Committee, composed of five members appointed by the Supreme Court, which appoints a state Public Defender. The state Public Defender is authorized by statute to represent indigents in the appellate courts and in post-conviction proceedings only.

Oregon's Jury System. The legislature has defined a jury as "a body of persons temporarily selected from the qualified inhabitants of a particular district, and invested with power to: (1) present or indict a person for a public offense; or (2) to try a question of fact."

Oregon has three kinds of juries: (1) a grand jury, (2) a trial jury, and (3) a jury of inquest.

A Grand Jury brings indictment. The Oregon Constitution provides that "no person shall be charged in any circuit court with the commission of any crime or misdemeanor... except upon indictment found by a grand jury; provided, however . . . that if any person appear before any judge of the circuit court and waive indictment, such person may be charged in such court with any such crime or misdemeanor on information filed by the district attorney."

This constitutional provision was created by initiative petition in 1910. It provides that "the most competent of the permanent citizens of the county shall be chosen for jurors and out of the whole number . . . seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment." Grand jurors may be drawn and summoned from the regular jury list at any time, separate from the panel of petit jurors, and more than one grand jury may be empanelled in a county, at the discretion of the court.

Oregon statutes provide that no person other than the district attorney or a witness actually under examination can be present during a grand jury hearing, with the exception that at the request of the district attorney the circuit judge may appoint: (1) a person to take and report testimony, (2) an interpreter, (3) a guard, (4) a medical attendant or a nurse. No challenge to the panel from which a grand jury is drawn or to an individual grand juror can be made, except by the court when qualifications are in question.

A Trial Jury is used in both civil and criminal cases tried in the circuit courts and, when requested, in district and justice courts. A trial jury in the circuit court consists of 12 persons, unless the parties consent to a lesser number. When a case is to be tried, names are drawn from the trial jury box and either the plaintiff or the defendant can challenge (object to) particular jurors as unqualified to serve for specific reasons set forth in the law. Each side in a civil case can make three peremptory challenges—objections to jurors for which no reasons need be given. In a criminal trial, if the crime is punishable by life imprisonment, the defendant is entitled to 12 peremptory challenges and the state to six. For trials of lesser crimes, the defendant is entitled to six peremptory challenges and the state to three.

A district court jury consists of six persons and proportionately fewer challenges are allowed. In justice courts, the procedures for jury selection and the conduct of a trial by jury are the same as those prescribed for circuit court trials.

A Jury of Inquest is a body of six persons, legally qualified to serve as jurors, which is summoned by the district attorney, sheriff, or other ministerial officer to inquire into cause of death when an inquest has been ordered by the district attorney. Testimony of witnesses is presented to the jury in writing and the verdict of the jury is delivered to the district attorney. If two-thirds of the jury members agree that death was the result of a crime, the district attorney must immediately deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest.

A similar jury may be summoned by a sheriff to try validity of claims to personal property that has been seized or attached by court action.

Procedures for Selecting Jurors. Each county must maintain an annual jury list composed of from at least 250 to 5,000 names, depending upon the size of the county. The names are taken by the county clerk, or in the case of Multnomah County the court administrator, from voter registration or other rolls representative of all parts of the county. The names are kept in a jury box from which trial court juries and grand juries are drawn at the start of each court term. The length of court terms varies from one month to six

months as set forth in the state law for each county, but jurors are entitled to be discharged after four weeks of service. The number of jurors drawn for a given term varies by county and by type of jury, as prescribed by state law.

Qualifications of Jurors

A person is not competent to act as a juror unless he or she is:

A citizen of the United States

An inhabitant of the county in which he or she is returned, and has been an inhabitant thereof for the year next preceding the time he or she is drawn or called

18 years of age or over

In the possession of his or her natural faculties and of a sound mind

A person is not competent to act as juror who has been convicted of any felony or a misdemeanor involving moral turpitude.

No person can be summoned as a juror in any circuit court more than once in one year.

Exemptions

A person is exempt from duty to act as a juror if he or she is:

A judicial officer

Any other civil officer of this state or of the United States, whose duties are at the time inconsistent with his or her attendance as a juror

An attorney

A practicing physician, dentist, optometrist, chiropractor, osteopath, Christian Science practitioner, naturopath or undertaker

An acting member of a company of firefighters duly organized, and who is paid an annual or monthly salary for services and who has been such member for a period of six months next preceding the time when the exemption is claimed

A member of the state Senate or House of Representatives, and the Legislative Assembly is in session

An active member of the Oregon National Guard

Excuse from Jury Duty

A person may be excused from acting as a juror:

When his or her own health or the death or sickness of a family member requires absence

When he or she is over the age of 70 years

When serving as a juror would result in extreme hardship to the person including but not limited to unusual and extraordinary financial hardship

A person cannot be required to serve as a petit juror at any one term of the court for more than four weeks.

Deferment of Jury Service

The judge of the circuit court may allow a person selected to serve as a juror to defer his or her jury service to any term of court beginning within one year after the term of court for which the person was selected to serve.

Fees of Jurors

For every day's attendance upon a court of record, jurors are paid $10 and receive an 8 cent per mile travel allowance.

Prohibitions and Penalties

No person may ask to be put on a jury list and no sheriff, constable, or other person whose duty it is to select or summon a jury may place upon any jury any person whom he or she has been asked to select. Violation of this law is punishable by a fine not to exceed $300.

The court to which the panel of jurors is returned by the sheriff may impose a fine not exceeding $20 for each day a juror, without reasonable cause, neglects to attend. If, however, the notice to attend was not personally served, the fine cannot be imposed until an opportunity is afforded him or her to be heard.

LEGAL GLOSSARY

ADVERSARY SYSTEM. The system of trial practice in the U.S. and some other countries in which court cases are decided on the basis of evidence and arguments presented by each of the opposing, or adversary, parties who thus have full opportunity to present and establish their opposing contentions before the court.

AMICUS CURIAE. (a-mē'kus kū'rē-ī) A friend of the court; one who interposes and volunteers information and argument upon some matter of law before the court.

APPELLANT. (a-pel'ant) The party appealing a decision or judgment to a higher court.

APPELLATE COURT. A court having jurisdiction of appeal and review; not a "trial court."

ARRAIGNMENT. In criminal practice, to bring a prisoner to the bar of the court to answer to a criminal charge.

ATTACHMENT. A remedy by which plaintiff is enabled to acquire a lien upon property or effects of defendant for satisfaction of judgment which plaintiff may obtain in the future.

BAIL. To set at liberty a person arrested or imprisoned, on security being taken for his or her appearance on a specified day and place to answer the charges brought against him or her.

BAILIFF. A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.

BENCH WARRANT. Process issued by the court itself, or "from the bench" for the attachment or arrest of a person.

BURDEN OF PROOF. In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute.

CERTIORARI. (sur'shi-ō-rā'rē) An original writ commanding judges or officers of inferior courts to certify or to return records of proceedings in a cause for judicial review.

CHANGE OF VENUE. The removal of a suit begun in one county or district to another for trial, or from one court to another in the same county or district.

CIRCUMSTANTIAL EVIDENCE. All evidence of indirect nature; the process of decision by which court or jury may reason from circumstances known or proved to establish by inference the principal fact.

CODE. A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.

COMMIT. To send a person involuntarily to prison, to an asylum, workhouse, or reformatory by lawful authority.

COMMON LAW. Law which derived solely from usages and customs of immemorial antiquity, or from the previous judgments and decrees of courts.

COMMUTATION. The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment. In Oregon the Governor has the power to commute sentences.

CONTEMPT OF COURT. Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity. Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful order.

CORPUS DELICTI. (kor'pus dē-lik'tī) The body (material substance) upon which a crime has been committed, e.g., the corpse of a murdered man or woman, the charred remains of a burned house.

COURTS OF RECORD. Those whose courtroom proceedings are recorded by a court reporter. Courts not of record are those of lesser authority whose proceedings are not recorded.

DE NOVO. (dē nō'vō) Anew, afresh. A "trial de novo" is the retrial of a case.

DECREE. In Oregon, a decision or order of the court sitting "in equity" as distinguished from sitting "in law." A final decree is one which fully and finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree which is not final.

DEMUR. (dē-mer') To file a pleading, (called "a demurrer") admitting the truth of the facts in the complaint, or answer, but contending they are legally insufficient.

DIRECTED VERDICT. An instruction by the judge to the jury to return a specific verdict or entry of such a verdict by the judge in a jury case.

DISMISSAL WITHOUT PREJUDICE. Dismissal of a case which permits the complainant to sue again later on in the same cause of action, while dismissal "with prejudice" bars the right to bring or maintain another action on the same claim or cause.

DISTRICT COURT JUDGE. (See **JUDGES.**

DOUBLE JEOPARDY. Common-law and constitutional prohibition against more than one prosecution for the same crime, transaction or omission.

DUE PROCESS. Law in its regular course of administration through the courts of justice. The guarantee of due process requires that every person have the protection of a fair hearing.

EMINENT DOMAIN. The power to take private property for public use by condemnation.

EQUITY, COURTS OF. Courts which administer remedial justice according to the system of equity, as distinguished from courts of common law. Equity courts are sometimes called courts of chancery. Juries are never used in equity cases.

EQUITABLE ACTION FOR INJUNCTION. An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action. (Remedies not available at common law.)

EX PARTE. (ex par'te) By or for one party; done for, in behalf of, or on the application of, one party only and without the parties usually being present in court for a hearing.

EX POST FACTO. (eks pōst fak'tō) After the fact; an act or fact occurring after some previous act or fact, and relating thereto. The Constitution of the United States prohibits ex post facto [criminal] law.

EXTRADITION. The surrender of an individual accused or convicted of an offense within the territorial jurisdiction of one state or nation to another state or nation upon its request.

FELONY. A crime of a graver nature than a misdemeanor. Generally, an offense punishable by death or one or more years imprisonment in a penitentiary.

GRAND JURY. A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence and find bills of indictment in cases where they are satisfied a trial ought to be had.

HABEAS CORPUS. (hā'be-as kor'pus) Latin for "You have the body." The name given a variety of writs whose object is to bring a person before a court or judge. In most common usage, the writ is directed to the official or person detaining another, commanding him or her to produce the body of the prisoner or person detained so that court may determine if such person is legally held or has been denied his or her liberty without due process of law.

INDICTMENT. An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a crime.

INJUNCTION. A mandatory or prohibitive writ issued by a court.

INTERLOCUTORY. Provisional; temporary; not final. Refers to orders and decrees of a court pending final judgment of the case.

JUDGES. In Oregon, the constitution provides that judges of the Supreme Court and other courts be elected by the legal voters of the state or of their respective districts for a term of six years, that their compensation shall not be diminished, and that judges shall retire at 75 years of age. All judges must be citizens of the United States, residents of Oregon for three years (exceptions noted below), and members of the Oregon State Bar. Supreme Court judges, at the time of their election, must have been admitted to practice before the Supreme Court. District judges are required to be residents of the county only, unless they are elected in counties with over 500,000 population. In that case, they must be residents for three years. There are no requirements that county judges, municipal judges, or justices of the peace be lawyers.

JUDICIAL CONFERENCE. All the judges of the Supreme Court, Tax Court, circuit courts, and district courts belong to the Oregon Judicial Conference which meets at least annually. The Conference is charged by statute with responsibility for keeping judges aware, through continuous survey and study, of the organization, jurisdiction, procedures, practices, and methods of administration and operation of the various courts of the state and with the objective of improving judicial administration in Oregon.

JURISPRUDENCE. The philosophy of law, or the science which treats of the principles of positive law and legal relations.

JURY. A certain number of citizens, selected according to law, and sworn to inquire of certain matters of fact brought to court for decision and to declare the truth upon evidence laid before them.

MANDAMUS. (man-dā'mus) The name of a writ which issues from a court of superior jurisdiction, directed to an inferior court or public officer commanding the performance of a particular official act.

MANDATE. A judicial command or precept proceeding from a court or judicial officer, directing the proper officer to enforce a judgment, sentence, or decree.

MISDEMEANOR. Offenses less than felonies; generally those punishable by fine or imprisonment otherwise than in penitentiaries.

MISFEASANCE. A misdeed or trespass. The improper performance of some lawful act.

MISTRIAL. An erroneous or invalid trial; a trial which cannot continue or stand in law because of lack of jurisdiction, wrong drawing of jurors, or other substantial error that voids the trial.

MOOT. Unsettled; undecided. A moot point is one not settled by judicial decisions but no longer in contention or in need of a decision.

PANEL. A jury panel is the list of jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.

PARTIES. The persons who are actively concerned in the prosecution or defense of legal proceeding.

PEREMPTORY CHALLENGE. The challenge which the prosecution or defense may use to reject a certain number of prospective jurors without assigning any cause therefor.

PETIT JURY. The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

PLAINTIFF. A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

POWER OF ATTORNEY. An instrument authorizing another to act as one's agent in the absence of the one granting the power.

PREJUDICIAL ERROR. Synonymous with "reversible error;" an error of sufficient seriousness to warrant the appellate court in reversing the judgment before it.

PROBATION. In modern criminal administration, allowing a person convicted of some offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision of a probation officer.

PROSECUTOR. One who instigates the prosecution upon which an accused is arrested or who prefers an accusation against the party whom he suspects to be guilty; also, one who takes charge of a case and performs function of trial lawyer for the people against the defendant.

QUASH. To overthrow; vacate; to annul or void a summons or indictment or other instrument.

QUO WARRANTO. (kwo wo-ran'to) A writ issuable by the state, through which it demands an individual to show by what right he exercises an authority or claims public office which can only be exercised or claimed through a valid grant or franchise emanating from the state.

SINE QUA NON. (si'ne kwa non) An indispensable requisite.

STARE DECISIS. (sta're de-si'sis) The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.

STATUTE. The written law passed by the legislative body in contradistinction to the unwritten law, the constitution, administrative regulations, etc.

STAY. A stopping or arresting of a judicial proceeding by order of the court until some future event occurs.

SUBSTANTIVE LAW. The law dealing with rights, duties and liabilities, as distinguished from adjective law, which is the law regulating procedure.

SUMMONS. A writ directing the sheriff or other officer to notify the named person that an action has been commenced against him or her in court and that he or she is required to appear, on the day named, and answer the complaint in such action or suffer a judgment against him or her.

SUPREME COURT JUSTICE. (See JUDGES.)

TESTIMONY. Evidence given verbally by a witness, under oath, as distinguished from evidence derived from writings and other sources.

TORT. A tort is negligent or wrongful conduct which causes bodily injury or property damage for which compensation can be recovered in a civil lawsuit. Most torts are the result of negligence such as automobile accidents. Some are intentional, such as libel, slander, assault and battery.

TORT LIABILITY. In Oregon, the traditional doctrine of governmental immunity was abrogated in large part by legislation enacted in 1967. Under the new law, every public body, including every local government agency, is made liable to third parties for wrongful deaths, personal injuries, and property damage that result from governmental operations involving neglect or wrongful conduct. This liability is commonly referred to as tort liability.

TRIAL DE NOVO. (dē nō'vō) A new trial or retrial had in an appellate court in which the whole case is gone into as if no trial had been had in a lower court and regardless of the findings and decisions of the lower court.

TRUE BILL. In criminal practice, the indorsement made by a grand jury upon a bill of indictment when they find it sufficient evidence to warrant a criminal charge.

USURY. Excessive interest rate.

VENIRE. (vē-nī'rē) Technically, a writ summoning persons to court to act as jurors; popularly used as meaning the body of names thus summoned.

VENUE. (ven'ū) The particular county, city or geographical area in which a court with jurisdiction may hear and determine a case.

VERDICT. In practice, the formal decision or finding made by a jury and reported to the court.

VOIR DIRE. (vwor dēr) To speak the truth. The phrase denotes the preliminary examination which the court may make as to the qualifications of one presented as a juror.

WITH PREJUDICE. The term, as applied to judgment of dismissal, is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff, thus preventing further or repeated action in the case.

WITNESS. One who testifies, under oath, to what he or she has seen, heard, or otherwise observed relative to the dispute.

WRIT. An order issuing from a court of justice and requiring the performance of a specified act, or giving authority and commission to have something done.

—Based upon definitions in *Law and Courts in the News* (Chicago: American Bar Association Standing Committee on Public Relations, 1960). Glossary revised to reflect Oregon usage.

ADMINISTERING PUBLIC POLICY: AN EXECUTIVE FUNCTION

The executive branch has two basic functions. First, it regulates for the purpose of *protecting* public health, safety and general welfare. Second, it provides services that *preserve* and *promote* the general welfare, as defined in the statutes.

Oregon's Constitution provides for the election of a Governor, who holds the chief executive power of the state and is responsible for:

Coordinating activities of state agencies
Recommending to the legislature a budget for all activities of state government
Planning for future state activities
Calling special sessions of the legislature when necessary
Approving or *vetoing* legislative measures
Appointing numerous agency heads, boards, commissions, and other state officials
Exercising the power to grant reprieves, commutations, and pardons when appropriate
Serving as commander in chief of the state's military forces

The constitution also provides for the election of a Secretary of State, State Treasurer, Superintendent of Public Instruction, Attorney General, and Labor Commissioner.

The terms of the Governor, Secretary of State, and State Treasurer are established by the constitution. They are elected for four-year terms on a partisan ticket, and no person is eligible for these offices more than eight in any period of 12 years. In case of a tie vote, the Legislative Assembly elects a Governor. In case of vacancy or disability, the governorship passes to the Secretary of State, the State Treasurer, the President of the Senate, and the Speaker of the House, successively.

Like the other three state officials, the Superintendent of Public Instruction, Attorney General, and Labor Commissioner are elected every four years at a general election. Only the Superintendent of Public Instruction runs on a nonpartisan ticket.

Organization of the Executive Branch. Many changes in the structure of Oregon government have occurred throughout the years as a result of rapid growth in population, economic changes, and technological development. In the beginning, the major concerns of government were natural resources, education, and police protection. Today our needs are much more complex. Departments, agencies, boards, and commissions are constantly being added, abolished, renamed, or combined to try to improve operations or to add services.

The Project 70's Task Force, appointed by the Governor in 1968 to study the executive branch and make recommendations concerning its reorganization to meet the problems of the next decade, offered this description:

> In many ways, our state government is but a collection of independent duchies and fiefdoms, each pursuing its own purposes fairly efficiently but with only the most casual and intermittent consultation with the others.
>
> Some agencies were created years ago to do a specific thing such as building roads or managing the state-owned lands. Some are clearly the creatures of particular industries or professions. Each is highly protective of its traditional prerogatives.
>
> We have widely dispersed authority and responsibility for dealing with our governmental affairs among six executive officers, each elected in his own right and each in a position to pursue independent and quite often contradictory objectives.
>
> Other agencies are really federal instrumentalities funded and directed from Washington, D.C., and subject to little or no state direction, initiative, or coordination.

In 1969, largely as a result of that task force's recommendations, the legislature approved a massive reorganization of the Executive branch. It eliminated the Board of Control, a three-man board, made up of the Governor, the Secretary of State, and the State Treasurer. This board had administered Special Schools Division for the Schools for the Deaf and the Blind; Mental Health Division; Corrections Division; Vocational Rehabilitation Division; Employment Division; Public Welfare Division. In eliminating the Board of Control, the legislature transferred its responsibilities and functions directly to the Governor.*

The legislature established an Executive Department, consolidating the various management functions of state government, including budget, management systems, accounting, data processing, personnel and intergovernmental coordination. It established a Department of Transportation to serve directly under the Governor and to include the Highway Division, the Motor Vehicles Division, the Aeronautics Division, and the newly created Mass Transit and Ports Divisions. It established a Department of Revenue to serve directly under the Governor and to include the functions of the State Tax Commission and the Gift and Inheritance Tax functions of the State Treasurer. It established a Department of Environmental Quality to serve directly under the Governor.

Moreover, the legislature eliminated the Civil Service Commission, dividing its functions between the Executive Department's Personnel Division and a newly created Public Employee Relations Board, since renamed the Employment Relations Board.

*In 1971 the schools for the deaf and blind were placed under the jurisdiction of the State Board of Education.

Reorganization did not stop in 1969. Since then, both major and minor changes have been made in state organization.

In 1971, for example, the Legislative Assembly created a Human Resources Department, combining formerly independent agencies such as welfare, mental health, corrections, vocational rehabilitation, health and others. With 11,000 employees, this department is now the largest state agency. Each year it has contact of some kind with one in every four Oregonians. More than a third of the state's General Fund budget funnels through this department each year, plus millions of dollars in federal grants.

In 1975 the Legislative Assembly approved the Governor's proposal for a Department of Energy to give Oregon a means to influence regional and federal energy policies. This department combines important planning functions formerly lodged in the Public Utilities Commission, the Nuclear and Thermal Energy Council, the State Engineer's Office and the Governor's office.

The Governor's Office: Three Functions. The Governor's personal staff has three basic activities: administration, intergovernmental relations and public relations. In addition, the Governor's staff includes an affirmative action member, approved by the 1975 Legislative Assembly, to provide leadership and commitment to affirmative action efforts throughout state government.

The Governor's Ombudsman—the Citizen's Link to State Government. To help individual citizens with problems they encounter in dealing with state agencies, the Governor's staff includes an ombudsman. This person and his or her staff serve as a central source of information about state government and have the authority to investigate an individual's complaints about the actions of any state agency. In 1975 the ombudsman's office handled 1,133 cases involving more than simply referral or information. The office does not record the countless inquiries it receives which require only referral or information.

COORDINATING THE FUNCTIONS OF STATE AND LOCAL GOVERNMENTS

In still another statewide effort to organize participation in setting goals and in trying to reach them, 14 district councils of local government were established.

A district council is a voluntary association of local governments organized to improve cooperation, coordination, and planning. The district council also is intended to provide a mechanism to improve state responsiveness to local needs by providing opportunities for local participation in defining district goals and objectives for state program plans.

The district council serves as a forum for local government officials to identify problems and recommend solutions both local and district-wide in scope. It encourages developing solutions to problems through intergovernmental coordination and planning. And it provides for local coordination and policy review of federal, state, and local planning programs and projects concerning development of the district.

Two-thirds of the voting members of a district council must be elected officials representing units of general local government (mayors, councilmen and women, and county commissioners) which together represent at least three-fourths of the aggregate population of the district. Other voting members may represent school districts, other special districts, and the public. Such representation qualifies a district council for federal funding sources. In addition, the district council must provide a continuing opportunity for all qualified cities and counties to join and participate in the district program.

State grants must be matched by an equal local district cash contribution. Local funds already appropriated for intergovernmental or multiprogram planning may be counted toward the district match, but federal funds may not. The legislative intent of the district program is that state grants be used to supplement and not replace local funds already used for the same purposes.

The district grants can be used at the discretion of the district council for any reasonable expense incurred in identifying district problems and priorities, planning, and intergovernmental coordination in the following program areas (see page 117):

ESTABLISHED COUNCILS OF GOVERNMENT IN OREGON

1. **CLATSOP-TILLAMOOK INTERGOVERNMENTAL COUNCIL**
   (Clatsop, Tillamook)
   P O Box 488
   Cannon Beach 97110 (503) 436-2967

2. **COLUMBIA REGION ASSOCIATION OF GOVERNMENTS**
   (Clackamas, Columbia, Multnomah, Washington)
   527 SW Hall Street
   University Center Building
   Portland 97201 (503) 221-1646

3. **MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS**
   (Marion, Polk, Yamhill)
   400 Senator Building
   220 High Street NE
   Salem 97301 (503) 588-6177

4. **OREGON DISTRICT 4 COUNCIL OF GOVERNMENTS**
   (Benton, Lincoln, Linn)
   No. 7 Wellsher Building
   460 SW Madison Street
   Corvallis 97330 (503) 757-6851

5. **LANE COUNCIL OF GOVERNMENTS**
(Lane)
135 Sixth Avenue E
Eugene 97401 (503) 687-4283

6. **UMPQUA REGIONAL COUNCIL OF GOVERNMENTS**
(Douglas)
Douglas County Courthouse Annex
205 SE Jackson Street
Roseburg 97470 (503) 672-3311

7. **COOS-CURRY COUNCIL OF GOVERNMENTS**
(Coos, Curry)
P O Box 647
1975 McPherson Street N
North Bend 97459 (503) 756-2563

8. **ROGUE VALLEY COUNCIL OF GOVERNMENTS**
(Jackson, Josephine)
33 North Central, Suite 211
Medford 97501 (503) 779-7555

9. **MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT**
(Hood River, Sherman, Wasco)
Wasco County Courthouse–Annex B
502 E 5th Street
The Dalles 97058 (503) 296-2266

10. **CENTRAL OREGON INTERGOVERNMENTAL COUNCIL**
(Crook, Deschutes, Jefferson)
P O Box 575
2118 S Highway 97
Redmond 97756 (503) 548-8163

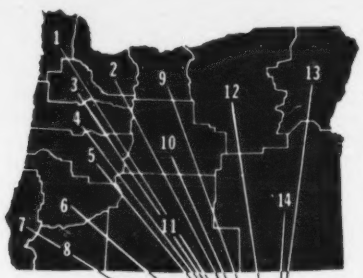
11. **KLAMATH-LAKE PLANNING AND COORDINATING COUNCIL**
(Klamath, Lake)
Lake County Courthouse
Lakeview 97630 (503) 947-2421

12. **EAST CENTRAL OREGON ASSOCIATION OF COUNTIES**
(Gilliam, Grant, Morrow, Umatilla, Wheeler)
P O Box 339
920 SW Frazer
Pendleton 97801 (503) 276-6732

13. **BLUE MOUNTAIN INTERGOVERNMENTAL COUNCIL**
(Baker, Union, Wallowa)
Wallowa County Courthouse
Enterprise 97828 (503) 426-4343

14. **SOUTHEAST OREGON COUNCIL OF GOVERNMENTS**
(Harney, Malheur)
490 SE 1st Avenue
Ontario 97914 (503) 889-7382

A STATEWIDE CONCEPT OF PLANNING



DISTRICT COUNCILS

ADVISORY COMMITTEES

EDUCATION

PUBLIC SAFETY

TRANSPORTATION

HEALTH & HUMAN RESOURCES

ECONOMIC DEVELOPMENT

NATURAL RESOURCES

GENERAL ADMINISTRATION

INTERGOVERNMENTAL RELATIONS

GOVERNOR

LEGISLATURE

(1) Economic Development and Consumer Services (including industrial development, tourism, and trade promotion)
(2) Education (including vocational, technical, and professional programs and location)
(3) Human Resources (including health planning, mental health, employment, economic opportunities, public welfare, special schools, social services vocational rehabilitation and housing)
(4) Natural Resources (including land use, air and water quality, pollution resource conservation, open space and recreation, scenic preservation)
(5) Public Safety (including law enforcement, traffic safety, public and occupational safety, emergency services, and fire protection)
(6) Transportation (transportation studies, port development, and airport facilities)

The Intergovernmental Relations Division of the Oregon State Executive Department assists district councils in organizational efforts, planning development, grant applications, and technical problems.

local government foundations and framework*

Oregon has four kinds of local government: counties, cities, special district, school district. Because of the many similarities in the way county, city, and special district governments are created, in their legal framework, and in their responsibilities and powers, these three units of local government are discussed as "local governments." Although school districts are similar to other units of local government in terms of the legal framework in which they operate, their purposes and responsibilities and their modes of operation are quite different. Therefore, they are discussed separately.

THE ORIGIN OF LOCAL GOVERNMENT IN OREGON

Most counties and cities in Oregon were created by the state legislature to provide public services and facilities to people living in specific geographic areas. Oregon counties were established by statutes which set forth the boundaries of each and prescribed in detail their organization and powers. Later, statutory provisions authorized the voters of an area to petition and vote to create new counties or to change the boundaries of existing counties, but these provisions have not been used since 1916 when Deschutes County was established.

Oregon cities were originally established by separate acts which can be found in the statutes prior to 1906. Since 1893, however, it has been possible for a city to incorporate by local petition and election (conducted by the county) and in 1906 the legislature's authority to create cities was repealed by constitutional amendment.

Special districts in Oregon (over 800) may be created by:
(1) Special laws (e.g., Port of Portland);
(2) General laws not requiring popular vote or petition in the area affected (e.g., housing authorities, mass transportation districts);
(3) General laws requiring popular vote or petition by residents of areas (usually adjacent to incorporated cities) that require services (e.g., water, sanitation, fire protection, irrigation, hospital, cemetery). Residents of such areas may also obtain the services by incorporating a new city; or, as in the case of the North Lincoln Beach area, the governments of three incorporated cities and a number of special districts combined to establish a new city government—Lincoln City—to provide the municipal services required.

THE LEGAL FRAMEWORK OF LOCAL GOVERNMENTS

Although the United States Constitution says nothing about local government, it does impose important limitations in the form of protection of individual rights. In addition, units of local government as agencies of the state are subject to many of the limitations that the Constitution imposes on the states. Some of these limitations are expressly set forth in the Constitution. Others have been held by the courts to be implied in the powers the Constitution has specifically delegated to the United States.

Provisions of the Oregon Constitution specifically affect local governments in Oregon in elections, direct legislation, city and county home rule, and finance.

Municipal Corporations. Local governments are public corporations commonly referred to as municipal corporations. Oregon statutes use the term "municipal corporation" with varying meanings—sometimes referring to cities only, sometimes to cities and counties, and sometimes to other units of local government. Each statute using the term usually contains its own definition.

Cities are commonly regarded as "pure" municipal corporations, or municipal corporations "proper" because of their broad powers and multiple or general purpose nature. Counties, school districts, and special districts are referred to as quasi-municipal corporations because they are something like municipal corporations. This corporate nature gives local governments some characteristics of private corporations. First, the municipal corporation has continuous legal identity, regardless of changes in its membership. Second, it has the power to contract.

Subdivisions of State Government. Local governments are subject to state authority and receive their powers from the state which created them.

*The information concerning local government is based upon *Background Information on Local Government in Oregon* compiled by the Bureau of Governmental Research and Services at the University of Oregon.

Some cities operate under the special statutes enacted by the legislature prior to 1906, which serve as their charters; some operate under the 1893 General Incorporation Act. In either case, the statutes spell out in detail provisions governing their organization and operation, although most such cities can and have adopted amendments by local action. Cities established since 1941 operate under the 1941 General Incorporation Act which prescribes organization and operation in much less detail. Once incorporated by petition and election under the general law, cities can adopt and amend their charters and most cities have done so. Until they do, state laws govern their organization and operations.

Counties, more than cities, have been identified as subdivisions of state government. Oregon counties were originally created by the legislature, without soliciting the consent or concurrent action of the people who lived within the boundaries that were established. Today, however, counties in Oregon provide a number of services and facilities not required by the state, and by adopting a charter (home rule), a county can enlarge its powers. Thirty-one Oregon counties have not adopted charters and continue to operate under government structure provided by state law. They must continue to seek enactment of a law by the state legislature every time they seek additional authority or want to change a procedure prescribed by the state.

County Home Rule. Five counties – Benton, Hood River, Lane, Multnomah and Washington – have adopted home-rule charters. By adopting a charter a county can enlarge its powers and assume authority over matters of county concern.

The county home-rule amendment requires, with an exception, that a county charter prescribe the organization of the county government and "provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary." Except as general state law allows, however, the charter may not affect district attorneys or judicial officers in their judicial capacity.

The assumption of home rule by a county does not relieve it of its responsibilities as an agency of the state. The officers of the county, whatever their particular responsibilities under the charter of the county, must "among them exercise all the powers and perform all the duties . . . now or hereafter . . . granted to or imposed upon any county officer by state law." The charter may allocate the powers and duties differently from state law, but it must make provisions for them to reside somewhere in the government structure of the county as it operates under home rule.

Any conflicts on the same subject between regulations of home rule counties and cities therein may be resolved mainly on the basis of the general principle that "two . . . municipal corporations cannot . . . exercise like or similar powers in the same boundaries." Thus, the Attorney General of Oregon has held that a home rule county can enact ordinances under its charter with approximately the same authority as a home rule city; but the county ordinance cannot be effective inside an incorporated city if the city has authority under its charter to enact similar ordinances. This would be true, according to the Attorney General's opinion, even if the city had not acted in this regard. However, in some areas, such as jurisdiction over public thoroughfares, the legislature has authorized the extension of county authority inside cities.

City Home Rule. In 1906 the voters of Oregon amended the constitution to provide home rule for cities. They adopted two closely related amendments that the Oregon Supreme Court has many times said are to be read and construed together. One of the amendments reserves the initiative and referendum powers to the voters of every municipality and district. The other amendment concerns action by the Legislative Assembly; it "shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon . . . ." (Article XI, Sec. 2)

It is still possible, however, for the legislature to supersede or negate a city charter or ordinance provision by passing a general law on a matter of predominantly statewide rather than local concern. In cases concerning Milwaukie and Bend, the Oregon Supreme Court held that the legislature may enact general laws and apply them to cities but that, in cases of conflict between a general state law and a city charter or ordinance, the state law prevails if the subject matter of the conflict is a matter of predominately statewide concern, and the charter or ordinance prevails if the subject matter of the conflict is a matter of predominantly local concern.

Ordinances and Regulations. In addition to the constitution, state laws, and local charters, counties and cities are governed by ordinances and regulations of their governing boards. An ordinance is a legislative enactment of a city or county, or a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Most charters prescribe the form of ordinances, require that they be read several times before final passage and, except in the case of emergencies, require that a certain time period elapse between readings. Furthermore, city ordinances, unless of an emergency nature, are subject to referendum.

Initiative, Referendum, Recall. The voters of units of local government under home rule have the power of initiative, referendum, and recall. In counties not governed by home-rule charters, the legislature may refer a law affecting one county only to the voters of the county for their approval, or the voters may invoke the referendum. They may also invoke the initiative and referendum with respect to ordinances of any kind which the legislature has previously empowered the county to adopt. However, except in home-rule counties, voters may not exercise the initiative with respect to matters which have not been delegated to the county by the legislature.

local government functions

THE NATURE OF LOCAL RESPONSIBILITIES AND POWERS

Local governments provide public services and facilities to people living in specific geographic areas, and put control over such services and facilities in the hands of the people using them. Local governments exercise substantive powers of two broad categories: (1) police power and (2) power to make public improvements.

In the exercise of these substantive powers, they may also invoke a broad range of procedural powers. They have power of eminent domain and power to tax, to contract, to adopt ordinances, and to issue revenue bonds.

Police Powers. One of the most far-reaching and important powers that states have under the United States Constitution is police power. Oregon has delegated this power extensively to cities and to a lesser but increasing extent to counties.

Most Oregon cities have police power by virtue of their charters. The new charters that Oregon cities have adopted during the last 30 years contain, in virtually every instance, a general grant of power to the effect that the city shall have all powers granted or allowed by the constitutions and laws of the state and the United States. However, the old legislative charters usually delegated this power in particular terms. The 1901 charter of the city of Dallas, for example, gave the council of that city these police powers:

> To regulate auctioneers, taverns, hawkers, peddlers, pawnbrokers, hacks, cabs, hackneys, carriages, wagons, carts, drays, or other vehicles, wash-houses, laundries, and all offensive or noxious trades or occupations . . .
>
> To regulate the keeping of dogs and other animals and fowls; to prohibit animals and fowls from running at large . . .
>
> To prohibit the building and use of barbed wire fences . . .
>
> To prohibit the smoking of cigarettes by any person under the age of eighteen years . . .

To an increasing extent the legislature has been delegating police power to counties. By virtue of statutes, counties have power, for example, to enact and enforce zoning ordinances; to enact and enforce building codes; to impose curfews; to license certain activities; to regulate the use of county fairgrounds, parks, and buildings.

These powers are examples of police power in the narrow sense—power to preserve the public peace, safety, morals, and health. Police power is exercised in its narrowest sense by imposing regulations, often through licensing. Licensing of businesses and occupations may be for the purpose of protecting public health, safety, and general welfare, or for the purpose of protecting the licensees from unwarranted competition.

Zoning is another kind of police power of cities and counties. It is the division of an area into residential, commercial, industrial, agricultural, and other zones, and the regulation within each zone of the use of buildings and land, the height of buildings, setbacks from streets and other property lines, and density of population. It is intended to promote the public health, safety, convenience, and welfare. More specific purposes may be to prevent mixtures of land use which result in blight, congestion, and reduction of property values and to reserve adequate and suitable land for homes, businesses, industries, and agriculture. A zoning ordinance consists of detailed regulations and a zoning map with definitive boundaries between use zones.

Subdivision regulations provide the county with guidelines for the approval of plats. They specify procedures for plat approval; contain design standards for streets, lots, and blocks; and list improvements such as streets and utilities which subdividers are to provide.

Building codes establish minimum standards of safe design and construction for structures to be constructed, altered, repaired, or moved.

The police power consists of more, however, than the power to regulate. For example, cities and counties in Oregon have power to provide sites and facilities for the disposal of garbage and refuse, which, although commonly supplemented with regulations, is not essentially regulatory. Yet, having as one of its purposes preservation of the public health, it is an exercise of the police power.

In recent decades the "general welfare" has increasingly come to be regarded as a proper concern of the police power, and "promotion" has come alongside "preservation" as an objective of the police power. The Oregon Supreme Court, for example, ruled that a city zoning ordinance providing for exclusion of automobile wrecking yards from the city could be upheld on aesthetic grounds alone. The case represents a notable expansion of the legal concept of the police power in Oregon.

Power to Make Public Improvements. Oregon statutes define public improvement as an improvement upon any real estate belonging to or otherwise to be used by the state, county, city, town, district, or other municipal subdivision of the state. A public improvement of a city includes all public works belonging to, or prosecuted by, the city. Examples of public improvements include courthouses and city halls; roads, streets, bridges and sidewalks; street lighting standards along streets; parks, auditoriums and stadiums; museums and botanical gardens; waterworks and sewage works.

Some public improvements specially benefit adjacent property and are therefore financed by special assessments levied on the property. These are called "local improvements."

Power to Provide Proprietary Services. Cities and counties are empowered to perform or contract for certain services necessary to carrying on the ordinary functions of a municipality. "Corporate" or "proprietary" functions generally relate to services that a private business might provide as opposed to "government functions," such as police and fire protection, or licensing and inspections. Examples of proprietary functions include public lighting, electric power and water which must be provided from day to day; spraying trees on the public domain; traffic control; street sweeping; garbage collections and disposal; recreational programs, swimming pools, auditoriums.

Service to Unincorporated Areas. People living in the growing suburbs on the fringes of cities have needed and demanded municipal-type services, and over the years these needs have been met in several ways.

One approach to meeting the service needs of suburban areas is through annexation to existing cities. Annexation in Oregon may be initiated in either the territory to be annexed or by the city to which the territory is to be annexed, and must be approved in both the annexing city and the territory being annexed. The city legislative body may approve it or voters may approve it at an election. Voters in the area to be annexed may approve it at a special election conducted by the city, or two-thirds of the property owners who own two-thirds of the land area which provides two-thirds of the assessed valuation of the property in the area being considered for annexation may give written consent. The 1967 legislature provided that if the State Health Division rules that a "health hazard" exists in an area adjacent to the city and if the city is in a position to correct the problem, then the city may annex such area without consent of either the voters or the property owners.

The residents of unincorporated urban areas may obtain services also from cities, counties or special districts.

Cooperative Services. Local units of government maintain interlocal relations, despite urban-suburban-rural differences. Property tax administration at the local government level, for example, rests entirely with the county. Counties appraise and assess taxable property, collect taxes levied, and distribute revenue collected to the various taxing jurisdictions. Counties operating under home rule in Oregon have combined some or all these functions into one department. For example, in Multnomah County all the administrative functions relating to property tax administration–assessment, collection, and distribution–have been consolidated into a Department of Finance.

Cities and special districts in Oregon are thus dependent upon counties for effective property tax administration. Within limits prescribed by state laws and regulations of the Department of Revenue, counties bear a major responsibility for maintaining effective property tax systems, and the degree to which they are successful has an important bearing upon the ability of the cities and special districts to raise adequate amounts of revenue from property taxes. Poor county assessment practices may create taxpayer resistance which puts cities and districts at a disadvantage. Conversely, effective county administration aids other local taxing units in maintaining adequate revenues.

Elections administration also rests upon the county clerk or equivalent county officer who supervises the administration of the election laws by each local election official (except city election officials) in his or her county. Cities have charter and ordinance-making authority to prescribe rules and regulations that are consistent with the general election laws of the state concerning city elections and are not subject to the rules and procedures prescribed by the county clerks.

In general, each unit of government is responsible for conducting its own election, with the costs of administering, printing ballots, advertising, etc., to be borne by the local unit. Only when a statute or charter specifically requires the county to bear the cost of an election can a local unit of government expect assistance. Also, a county must bear the expenses of regular city elections held at the same time as the general biennial election for state officers (though many local governments rely on the county to conduct their elections, especially elections which coincide with the general or primary elections, with the county charging a pro-rata share of the cost of the local election back to the specific unit of government).

Both cities and counties in Oregon maintain jails. Cities and counties also jointly use jails. Generally these cooperative efforts involve the cities contracting with the counties for the housing of city prisoners at the county jails.

In addition to these and other cooperative efforts, city and county governments plan together and try to coordinate area programs (e.g., capital improvements or parks and recreation).

FORMS OF LOCAL GOVERNMENT

The charters of Oregon cities and counties provide a variety of organizational patterns. The older cities of Oregon were incorporated during a period influenced by Jacksonian principles–the extension of suffrage, the popular election of a variety of administrative officials and boards, frequent elections, rotation in office, and a frank belief in the rightness of patronage. The long ballot, which persists in the county governments of Oregon and to a lesser degree in many cities, was consistent with Jacksonian democracy and also with the pure democracy of early New England town government. Just as voters of the early New England town had been called upon to elect their town employees, voters of early Oregon cities frequently elected theirs.

Another nationwide movement affecting forms of govern-

FUNCTIONS OF COUNTY GOVERNMENT IN OREGON

Functions, Programs or Services under County Courts or Boards

Agricultural extension services
Air pollution control
Building control
Cemeteries
Civil defense
Community mental health clinics
County airports
County fairs
County hospitals and nursing homes
County libraries
County parks and forests
County property management
Diking and flood control
Dog and cat control
Economic development
Fire protection
Garbage and refuse disposal
Housing code
Licensing
Mosquito and vector control
Museums, armories
Nuisance control
Planning, zoning, subdivision control
Predator control
Public health
Public housing
Public welfare
Roads–construction, maintenance, control
Sewage disposal and surface drainage
Street lighting
Surplus food
Urban renewal
Veterans services
Vocational rehabilitation
Water resource development
Weed control
Welfare work relief
Wholesale water supply
Youth work camps and care centers

Functions under Other Elective Officers:

Court services (county clerk, sheriff, constable, public guardians)
Elections (county clerk)
Jails (county sheriff)
Juvenile services (county judge or circuit judge)
Law enforcement (county sheriff)
Property records (county clerk)
Property tax administration (county assessor and county sheriff)
Surveying (county surveyor)
Treasury management (county treasurer)

FUNCTIONS OF CITY GOVERNMENT IN OREGON

Air pollution control
Building control
Cemeteries
Civil defense
Community mental health clinics
City airports
City fairs
City hospitals and nursing homes
City libraries
City parks and recreation
City property management and records services
Dog and cat control
Economic development
Fire protection
Garbage and refuse disposal
Housing code
Jails
Law enforcement
Licensing
Museums, armories
Nuisance control
Planning, zoning, subdivision control
Predator control
Public health
Public housing
Public welfare
Streets–construction, maintenance, control
Sewage disposal and surface drainage
Street lighting
Treasury management
Urban renewal
Water resource development
Weed control
Welfare work relief
Wholesale water supply

FUNCTIONS OF SPECIAL DISTRICTS IN OREGON

Cemetery maintenance
Cooperative telephone
Diking
Domestic water supply
Drains and drainage
Flood control
Grasshopper control
Highway lighting
Hospital
Irrigation
Island bridge
Mass transit
Metropolitan service
Park and recreation
People's utility
Port
Road
Rural fire protection
Sanitary authority
Sanitary
Vector control
Water conservation
Water control

ment in Oregon cities developed during the latter part of the 19th century and has continued to the present day. "Efficiency and economy" became twin objectives in structures and methods of city government influenced by principles of modern business. The short ballot and a trend toward professional administration have characterized this period in Oregon.

Forms of City Government. Oregon has three forms of municipal government. Today, 39 of the 42 Oregon cities with 5,000 population or more* either operate under the true *council-manager* plan, or employ a full-time administrator with minor alterations of this plan. In the council-manager plan, the voters elect a council responsible for legislation and policy making, and the council employs a professional administrator who is responsible to the council. The council controls the raising and appropriation of funds, levies taxes, and contracts debts. The manager is responsible for carrying out the policies adopted by the council, supervising the expenditure of funds appropriated by the council, supervising the work of the administrative departments, and making all appointments of administrative personnel.

*Portland, Newberg and St. Helen's do not.

All cities in Oregon were originally incorporated under the *mayor-council* form of city government, and the original charters have, to a varying degree, embodied features of the weak mayor form. Under this plan, the administrative department heads and members of administrative boards are either elected by the people or selected by the council. Most appointments made by the mayor are subject to council approval and the mayor's power of removal is limited. The mayor may have the veto power over ordinances passed by the council, but this usually may be overridden by a simple or two-thirds majority of the council. The mayor ordinarily is charged with the responsibility of overseeing the work of the various administrative departments and of seeing that the laws of the city are properly enforced. The weak mayor plan is probably best adapted to small cities in which there are few, if any, full-time city employees and in which the limited objectives of city incorporation can be accomplished largely by volunteer and part-time service.

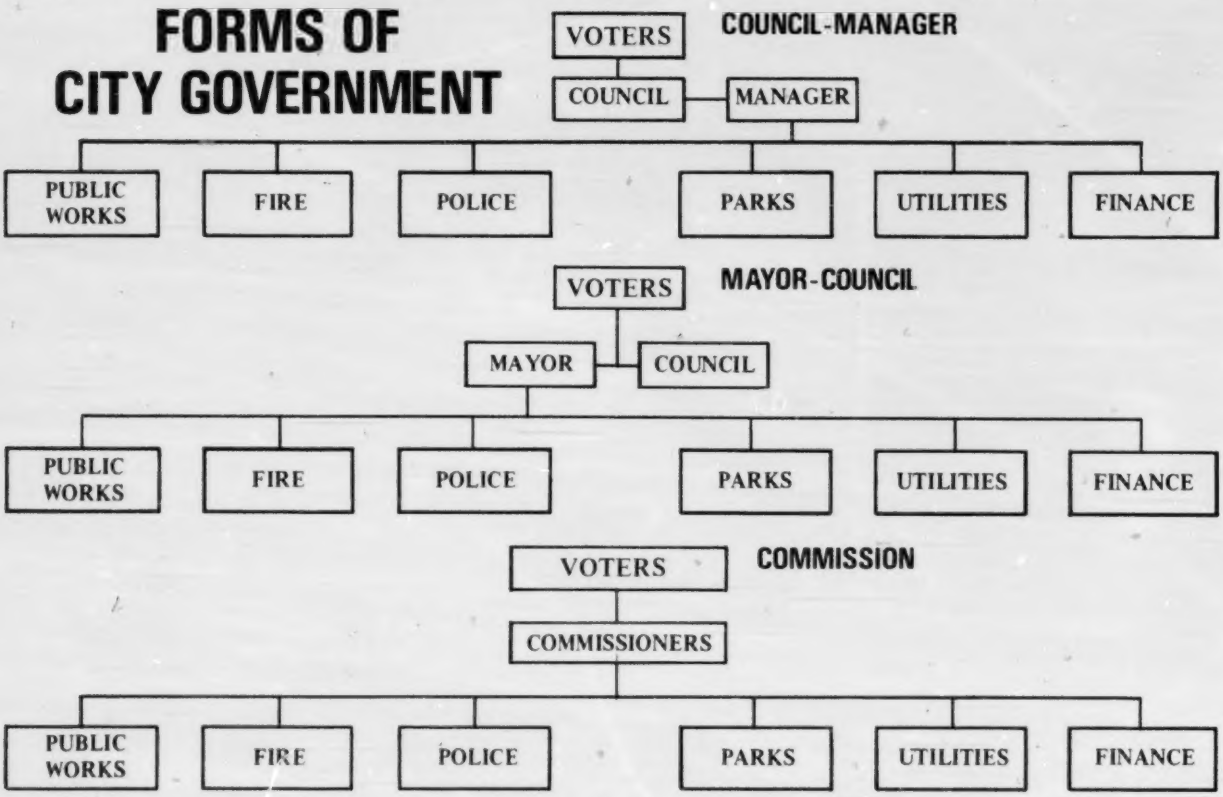
In Oregon the *commission* plan is in operation in its true form in Portland, and the plan in modified form has been used historically in several other Oregon cities. Under this plan a concentration of all powers of the city government rests in the hands of one body of commissioners. The number of commissioners varies from three to nine, with five being the most common number. Terms of office range from two to six years. Collectively the commission serves as the city council, and individually the commissioners serve as heads of the city's various departments.

Forms of County Government. Traditional county government organization is characterized chiefly by numbers of elective department heads who are largely free from the control of an elective governing body, and the absence of any form of chief executive office. However, as in all municipal governments, some control is exercised through budget appropriations (here by the county commissioners).

Elective county department heads in most Oregon counties include, as a minimum, a sheriff, assessor, clerk, treasurer, and surveyor (although the last office is in several counties combined with the position of county engineer). Additional elective administrative offices in a few counties include the recorder, constable, and auditor. Also elected on a county basis, but technically considered state officials, are the district attorneys, justices of the peace, and circuit and district court judges.

Most of these elective county offices can trace their historical origins back at least to the first days of statehood in Oregon. Several can identify their antecedents as established during colonial times, and at least one—the sheriff—has a genealogy dated back to Anglo-Saxon institutions prior to the Norman Conquest. The key historical fact which helps to explain the status of these offices today is that each of them was established as an agency of some higher authority, rather than as a representative of the local citizens.

Originally, county governing bodies as such (in Oregon,



In all three forms, departments and functions vary according to size of city and voter determination

county courts and boards of county commissioners) were superimposed upon the preexisting structure of independent administrative officers to act as a fiscal agent of the people in controlling the expenditure of county funds. Only in quite recent years have county governing bodies emerged as instruments for the formulation of local policies and the supervision of county government generally.

County functions have grown rapidly in both number and complexity during the past fifty years, and there has been a commensurate increase in interest in modernizing the form of county government. County governing bodies in Oregon today administer 40 or more kinds of programs, in addition to the nine programs still under the jurisdiction of independent elected administrative officials. Students of government, county officials, and citizens all recognize a need for fixing administrative responsibility in a central executive office.

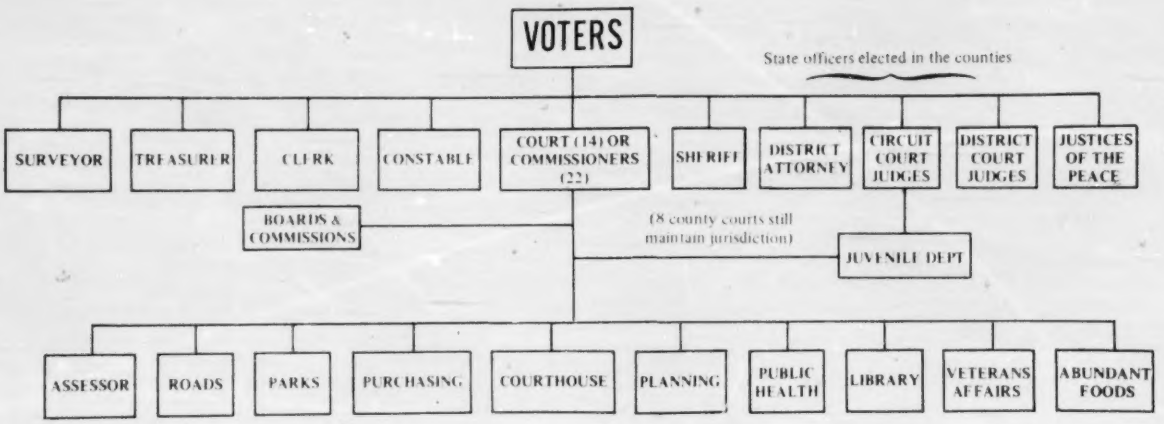
Substantial organizational change has been accomplished in the five counties in Oregon—Benton, Hood River, Lane, Multnomah and Washington—which adopted home-rule charters. Two patterns have emerged.

Hood River, Washington, Lane and Benton counties have adopted some form of the *county administrative officer* plan. The elected board or council retains ultimate responsibility for both legislative and administrative functions, but it appoints an administrative officer whose duties are to coordinate the various county departments by authority of the elected board and to advise the board on matters which come before it. Frequently the administrative officer is concerned primarily with budgeting, personnel, fiscal controls, and other "housekeeping" functions. Under this plan there have usually been fewer elected administrative officials.

The *elected executive* plan is similar to the "strong mayor" form of government for cities. In Oregon, only Multnomah County has adopted it. Under this plan, the chief executive of the county is elected directly by the people and he appoints department heads, with the approval of the Board of County Commissioners. As in the strong mayor plan for cities, the elected executive is also a member of the governing body and is usually the chairman. Among the roles of the county commissioners, policy development and legislative functions are the most important. As in other plans for reorganizing counties, the independent elective administrative offices are substantially reduced or eliminated completely.

Forms of Special District Government. Special districts are governed by a board of directors, elected by residents of the district. Most special districts have no employees, except perhaps for an attorney or engineer on retainer, and a part-time maintenance man.

TYPICAL COUNTY ORGANIZATION



school government foundations

ORIGIN OF SCHOOL GOVERNMENT IN OREGON

One of the most important units of local government is the school district. At Champoeg in 1843 the founders of Oregon's provisional government agreed to encourage schools and means of education, believing religion, morality, and knowledge necessary for good government and the happiness of mankind. No definite action was taken, however, toward establishing public schools until after Congress created the Oregon Territory in 1848.

When Oregon became a state in 1859, the constitution made education one of the principal responsibilities of the new state government. It specified that the Governor should serve as Superintendent of Public Instruction for the first five years.

Oregon's first four governors did, in fact, so serve for a period of 13 years. But Governors Whiteaker, Gibbs, Woods, and Grover all found themselves so overwhelmed by other duties that little was accomplished beyond the first school report, which Governor Gibbs paid for out of his own pocket.

The Boards of Education. It was not until 1872 that the legislature provided for election of the Superintendent of Public Instruction and outlined responsibilities of state, county, and local educational administration. The legislature created a State Board of Education consisting of the Governor, Secretary of State, and Superintendent of Public Instruction. The Board was empowered to authorize common textbooks, provide for school government, and grant teaching certificates. Members of the Board also served ex officio as regents of various state colleges and universities until the State System of Higher Education was placed under a single separate board in 1929.

In 1951 the legislature provided for a gubernatorially-appointed seven-member State Board of Education, made the Superintendent of Public Instruction its administrative officer, and authorized the creation of the Oregon Department of Education. Today the Board exercises general supervision of public elementary and secondary schools, community colleges, public school adult education programs, and state schools for the deaf and blind.

In Oregon the state-supported four-year colleges and universities are not a part of the "public school system." They are governed by a State Board of Higher Education, which appoints a Chancellor as its chief administrative officer. Headquarters for the State System of Higher Education is in Eugene.

The 1975 legislature created the Oregon Educational Coordinating Commission to replace the Educational Coordinating Council. The Commission is made up of seven members who are not involved in education but are advised by a committee of professional educators. Legislative action made the Commission responsible for implementing statewide coordination of educational planning and development, and for considering educational needs and performance to meet those needs.

The Commission will review all new programs beyond high school. It will also make final decisions on programs which may affect more than one type of school, thus influencing all private schools, community colleges, four-year colleges and proprietary schools in the state.

How School Districts Were Created. The legislature has provided for the creation of three general types of districts to govern local school operations in Oregon. *Local school districts* actually operate elementary or secondary schools and are organized as elementary, unified, union high school, and county unit school districts. *Intermediate education districts* at the county level provide services to school districts and serve as the middle link between state and local school district government. *Community college districts,* formerly called area education districts, operate community colleges.

Local school districts were originally created within counties by petition and vote of the people. Today new districts are created by consolidation or annexation procedures which change the boundaries or functions of existing districts.

At one time, local school districts in Oregon were much smaller and more numerous than they are today. In 1918 there were 2,556. Improved roads and school bus transportation following World War I led to the merger of many small districts with adjoining larger districts. Between 1919 and 1959, 1,897 school districts were dissolved by consolidation and annexation. By the end of 1975 the number had decreased to 334, with enrollments of from four to 57,500 students.

Intermediate education districts (IEDs) were created by the legislature in 1963. They evolved from the office of county school superintendent, created in 1862 to provide guidance to many small and scattered rural schools. In 1945 the legislature created countywide rural school districts in an effort to build stronger units, and the county superintendent was given responsibility for local school district reorganization. Today Oregon has 29 IEDs, one of which embraces two counties. (Six counties are organized as operating school districts.)

Community colleges may still be formed in Oregon; they are created by citizen petition and election but subject to certain legal requirements. Community colleges are intended to fill the gap between high school and what is available elsewhere in other educational institutions. They offer broad, comprehensive academic programs as well as vocational-technical subjects for both young people and adults. Educational, cultural and recreational programs are

offered, citizens of all ages attending courses such as family finances and money management, oil painting, cooking, languages, theater, writing, photography, and ceramics. Basic education courses are taught for people who do not have high school diplomas.

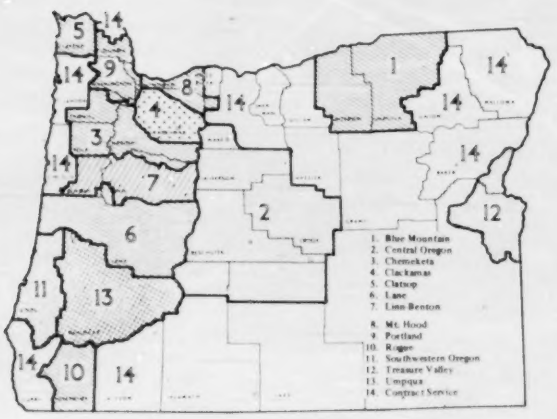
Operating under state law and State Board of Education policy, these colleges are administered by boards elected in each community college district. Community colleges are created and controlled by district citizens and are locally tax supported. They have an "open door" admissions policy, and the tuition and fees are as low as possible consistent with stable operation. These two-year colleges are intended to offer services to 90 percent of the potential student population within reasonable driving time.

GROWTH OF SCHOOL GOVERNMENT OPERATIONS

In the 1974-75 school year, elementary and secondary school districts had operating budgets totalling $695 million; proposed school building construction close to $89 million; 1,286 buildings in operation; slightly more than 40,000 employees and some 495,000 students. Student enrollment in elementary and secondary schools reached a peak in 1970-71 and started to decline slightly. It is anticipated that the decline will continue for the next five or six years, unless major migration to the state takes place.

Over the past 15 years, Oregon's community college system has grown from one program with limited offerings in 1960 to 13 functioning community college districts. A separate "14th fund" provides contract services (see map). Operating budgets in the 1974-75 school year amounted to $61.2 million; and since 1961 approximately $130 million has been spent for construction, with over one-half the cost from state funds. Enrollments reached 90,513 students in 1970, and by the 1974-75 school year enrollment had reached 193,148. Projections indicate an enrollment of over 235,000 by 1980-81.

COMMUNITY COLLEGE STATUS MAP



Enrollment projections indicate enrollment will stabilize at about 60,000 in Oregon's state-supported four-year colleges and universities. Instructional and departmental research programs for 1975-76 for all eight schools cost $81.8 million, and state funds and bond borrowings for educational and general plant construction amounted to $12.7 million that year.

school government framework and functions

LEGAL FRAMEWORK OF SCHOOL DISTRICT AUTHORITY

School districts derive their government authority from the legislature. The power of the legislature to delegate authority for school operation is derived from the Tenth Amendment of the United States Constitution, which reserves all powers not specifically mentioned in the Constitution (and responsibility for education is not) to the states or to the people. The Oregon Constitution also gives power to the legislature.

Education districts (local, intermediate, community college) are municipal corporations, which means they have continuous legal identity, regardless of the change in membership of their governing boards, and they have the power to contract. They are subdivisions of state government—their organization and authority prescribed by the legislature, their operations monitored by the State Board of Education and the Superintendent of Public Instruction. In actual practice, however, the legislature and the State Board have recognized that a considerable degree of local control of education is essential and have placed heavy responsibilities on district boards of education.

In addition to statutes and State Board of Education administrative rules and policies, education districts are governed by policies and actions ratified at a regular or legally called meeting of the district board and recorded in the minutes of that meeting. Although the people do not have the right of initiative and referendum in school district government, they do have the right to recall school board members.

CONSTITUTIONAL LIMITATIONS OF SCHOOL DISTRICT AUTHORITY

The fundamental limitations placed on the authority and power of all levels and units of government by the Bills of Rights of the federal and state constitutions and the due process clause of the Fourteenth Amendment to the United States Constitution apply also to school districts. Constitutional limitations and court interpretation circumscribe school government.

Education Becomes a Right.* Law governing student-school relationships still evolves. An essential conflict underlies each test: How can the school educate yet protect the free flow of activity and thought of individuals? Resolving the conflict brings shifting focus. For example, in 1926 one court (Flory v. Smith, GA) found "no unconstitutional restraint on liberty or infringement on happiness in depriving a child of the mere privilege of securing an education at the expense of the state until he is willing to submit to all reasonable regulations made in the interest of efficiency and discipline."

Such a statement may still be sound as to its approval of "reasonable regulations," but no one speaks of "mere privilege" today. In view of growing economic need for education, it is not surprising that courts have ceased to speak of "mere privilege" and use the word "right" instead. In Brown v. Board of Education of Topeka (1954), the court, speaking through Justice Warren, argued it was doubtful any child could reasonably be expected to succeed in life denied the opportunity of an education. Such opportunity, he declared, "where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Once the "mere privilege" had evolved into a "right," then the door was opened to questions of constitutional protections. Court rulings that neither the Fourteenth Amendment nor the Bill of Rights provides protection of due process for adults alone have had persuasive impact, especially on younger citizens. Thus, while the doctrine of *in loco parentis* was in full force, the court would not review the discipline of students for violation of school regulations unless it could be shown that the school board had acted maliciously, in bad faith, arbitrarily, or unreasonably. Burden was the student's to meet. Now, with the shift of focus away from *in loco parentis* toward the constitutional protection of students' rights, the burden of justification shifts to the school authorities.

Procedural Due Process. The importance of due process is heightened as education falls more and more under the protective mantle of the Bill of Rights, for as Justice Frankfurter said in McNabb v. United States (1943), "The history of liberty has largely been the history of observance of procedural safeguards." Today, for example, as a result of several court decisions, when a student faces outright expulsion, meaning the termination of his right to attend school permanently or for a substantial period of time, such expulsion requires a hearing. An administrative hearing, the consequence of which may be the expulsion of a student or other loss of a substantial right, is quasi-judicial, and therefore the minimum standards of procedural due process must be met. The student has the right to (1) adequate notice; (2) counsel; and (3) confront witnesses.

The need for procedural due process in matters relating to personnel administration is also evolving, as illustrated by the establishment in 1973 of a "Fair Dismissal Law" in Oregon.

Freedom of Expression and Academic Freedom. Moreover, teachers may not now be dismissed, denied reappointment, reduced in rank or compensation, or otherwise deprived of any professional advantage because of the exercise of constitutional rights or for arbitrary or discriminatory reasons.

Courts have guarded First Amendment rights when freedom of expression is involved. In Keyhisian v. Board of Regents (1967), the Supreme Court disowned an ancient constitutional distinction between public and private employees whereby public employment, including academic employment, may be conditioned upon the surrender of constitutional rights which could not be abridged by direct government action. The Court said this nation is deeply committed to safeguarding academic freedom, a value transcendent to all citizens, not merely to the teachers concerned. Thus freedom is "a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

A year later in Epperson v. Arkansas, in a look at the teaching of the theory of evolution, the Supreme Court was even more explicit. A state's undoubted right to prescribe curriculum for public schools "does not carry with it the right to prohibit, on pain of criminal penalty, the teaching of a scientific theory or doctrine where that prohibition is based upon reasons that violate the First Amendment." In short, a state may not impose upon teachers in its schools any conditions it chooses, thereby restricting constitutional guarantees.

In Tinker v. Des Moines Independent Community School District (1969), a case concerning students' constitutional rights to wear black armbands, the court declared neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."*

In these and other decisions, courts have thus spelled out the rights of teachers and students to freedom of expression. Such rulings, however, have never implied that communities, through their school boards, cannot impose certain restrictions on speech and action in the public schools and community colleges. Teachers, for example, do not have unrestricted license to try to destroy in the minds of youth certain criteria of truth recognized as bases of our free society, or to urge illegal or immoral acts. For both teachers and students, academic freedom must be looked upon as *both* freedom and responsibility. Responsibilities of academic freedom include utilizing information and

*Based on Elizabeth W. Browne and William S. Fort, eds., *Oregon Juvenile Law Handbook* (Oregon State Bar Committee on Continuing Legal Education, 1970), as is the section following, "Procedural Due Process."

*Excerpts from Robert H. Chanin, *Protecting Teacher Rights: A Summary of Constitutional Developments* (Washington, DC: National Education Association, 1970).

materials relevant to designated tasks; encouraging others to examine, hold, and express differing opinions or ideas; showing respect for and acceptance of others; providing leadership and direction for others by appropriate example; accepting participation from the school community to formulate educational policy; refraining from exploiting institutional privileges to promote partisan activities; protecting educational programs from undesirable infringements; and policing itself as a profession.

INFLUENCES ON OREGON EDUCATION

If one sees levels of power and responsibility in public education from the participants' point of view, then he or she sees the voter first. Oregon voters elect legislators, the Superintendent of Public Instruction, and local school board members. Voters have the power of initiative and referendum regarding legislative action. They approve local, intermediate, and community college district budgets and bond issues. The Legislative Assembly grants authority and allocates state resources.

The State Board of Education sets minimum standards, administers state and federal funds, and provides statewide leadership and services. Intermediate education district boards provide tax equalization, provide services to local districts as required by law, resolution or contract, and act as boundary boards. Local school district boards allocate local, state and federal resources and, within legislative guidelines, employ teachers and other personnel; provide buildings and transportation; determine curriculum, instructional materials, and services; establish rules which govern student conduct, placement, and progress.

Superintendents, principals, and other administrators execute board policies. Teachers organize learning experiences for students enrolled in the classes they teach, pass or fail students on the basis of such work, negotiate for employment benefits through a union or professional organization. Students exercise no legal or direct power over educational content or process (although recently students are being given opportunities to take part in the decision-making process as members of curriculum advisory committees or as advisory participants on school boards).

If, on the other hand, one views powers and responsibilities in light of which level of government has authority to evaluate and revise basic decisions about education, then he or she might ask other questions.

Who Should Attend School? The legislature determines public policy concerning who must go to school and who is entitled to receive schooling at school district expense. In Oregon the statutes require that persons between the ages of 6 and 21 be admitted free of charge to the schools of the district in which they reside, but children between the ages of 7 and 18 who have not completed the 12th grade (unless exempt under ORS 339.030) must be sent to a public full-time school (again, unless exempt). The law is specific concerning exemptions to compulsory school attendance, requirements for school districts to appoint attendance supervisors to enforce attendance requirements, and hearings and punishment for parents who do not comply. The law is equally specific concerning irregular attendance and excused absences. Thus local districts are given very little authority over admission of students or attendance requirements.

The legislature has given local school boards authority to suspend or expel students (for one term only), but the Constitution, as interpreted by the courts, puts strict limitations on this authority by requiring that due process procedures be used in such disciplinary actions.

The legislature has given local school boards the responsibility to educate all children in the district. It appropriates state funds, however, to assist local districts in providing special programs for physically or mentally handicapped children and has given the State Board of Education authority to administer these funds. The Board approves and reimburses local district programs, provides special education in state institutions, sends teachers to the homebound, and establishes programs on a county or regional basis when this is considered more economical or effective. The Board also is responsible for cooperating with the State Board of Higher Education to recruit and train special education teachers.

Admittance to community colleges is restricted only by facilities and teachers available, and, as previously mentioned, one aim of the State Board of Education has been to encourage establishing community college districts that will place opportunities within driving distance of every Oregon citizen.

Admission standards at all state-operated four-year colleges and universities are established by the Oregon State Board of Higher Education. Entering Oregon resident freshmen must have a "C" average (2.0) for all institutions except for the fall term at Oregon College of Education and Portland State University (2.25) and at the University of Oregon and Oregon State University (2.5). Students who cannot meet this requirement can qualify with a satisfactory score on a standard college aptitude test or a "C" average for a full work load in a summer session.

For nonresident freshmen, the admission standard at Oregon Institute of Technology is 2.0; at Southern Oregon State College, Eastern Oregon State College and Oregon College of Education 2.5; at Portland State University, University of Oregon and Oregon State University 2.75. The admission standard for out-of-state transfer students at all seven institutions is 2.0.

The State Scholarship Commission was created by the 1959 Legislative Assembly to make available to qualified persons any financial aid placed under its jurisdication. The commission determines qualifications of persons to receive scholarships, withholds financial aid if the recipient fails to maintain required standards, and guarantees student loans to eligible lending institutions. It encourages private lending institutions to establish financial aid programs for students. It encourages private agencies to establish financial aid programs, and it may negotiate with private and government agencies for establishing financial aid programs. The commission coordinates all types of financial aid activities in Oregon and also administers a scholar program to recognize students with outstanding academic achievement and other demonstrated attributes.

What Should Public Schools Teach? Public resistance to writing curriculum into the statutes, where it becomes difficult to change and update, has always been high; with few exceptions, Oregon legislatures have refrained from doing so. Statutes do require the schools to provide, for example, activities to observe Arbor Day (last Friday in April) and Frances E. Willard Day (fourth Friday in October); courses on the United States Constitution; instruction in ethics and morality; instruction on fire dangers and drills. For the most part, however, authority over public school curriculum has been delegated by statute to the State Board of Education. The Board exercises this authority by establishing minimum standards for course offerings, content and organization, which all districts must meet (or receive permission to modify). Standards adopted by the Board are based upon recommendations of a School Standards Advisory Committee made up of teachers, local school district administrators, and Oregon College of Education and Oregon Department of Education specialists. Teams of specialists enforce these standards through regular evaluation visits to all school districts. The Board has established procedures by which districts must bring nonstandard aspects of their programs up to required standards or, according to law, have their share of Basic School Support Funds withheld until an acceptable plan is presented and approved. Curriculum guidelines are periodically updated by the Department of Education and distributed to Oregon teachers and administrators through their intermediate education districts.

Most Oregon school boards and patrons have chosen to exceed minimum requirements in the educational opportunities they provide students. Authority to determine the extent to which curriculum exceeds minimum standards rests entirely with local boards and taxpayers. The extent to which teachers, students, and parents systematically involve themselves in curriculum planning and decisions that affect instructional programs of a school district depends entirely upon policies local school boards establish. Regardless whether systematic effort is made to involve all segments of the community, quite often special interest groups put school boards under considerable pressure to add or delete specific courses or instructional materials, or to require or censor content within courses.

Intermediate education districts (IEDs) do not have the authority to operate schools, but they can provide special programs such as outdoor education, occupational education, or special education for handicapped children. School districts, usually those which are isolated or too small to provide programs to meet special student needs, can contract with IEDs to provide these programs on a regional or rotating basis. Community colleges also cooperate with secondary schools in admitting high school students to particular programs. In addition, IEDs are often authorized to apply for and receive federal funds for exemplary projects such as instructional media centers, migrant education programs, and instruction in computer and data processing.

Community college boards have authority to establish courses and programs in their colleges. However, the State Board of Education must approve the content for all courses offered; and, in addition, college transfer courses require the approval of the Community College Committee of the State System of Higher Education, if the community college is not formally accredited by the Northwest Association of Secondary and Higher Schools.

What Is Required for Graduation? As a part of the minimum standards, the State Board of Education establishes minimum requirements for graduating (receiving a diploma) from an Oregon public high school. Recently revised graduation requirements affect the graduating class of 1978. Clock hours required for a unit of credit have been set at 130 hours of instructional time. Three new areas of study have been added: citizenship/government, consumer education/economics/personal finance, and career education. Competency (or skills) is required in addition to 21 required units of credit. And finally, districts are provided many options including early and late graduation, allowing credit by examination, allowing credit for a variety of off-campus experiences, allowing credit for independent study, etc.

The primary purposes of these changes in graduation standards was to build credibility in the high school diploma by insuring that all students receiving the diploma achieve certain minimum skills and to identify and state publicly specific goals for education at the state and local district levels.

Who Chooses Textbooks? The State Textbook Commission is a statutory board of seven members appointed by the State Board of Education. The membership of the commission consists of three classroom teachers (two from public elementary or secondary schools and one from a community college or university), three public school administrators or supervisors and one public member. The commission selects, for a six-year period, a multiple-choice list of textbooks and instructional materials for each grade and subject area in the standard curriculum for which, in their judgment, textbooks are required. Commission selections are based on guidelines and criteria the State Board of Education sets. The State Board of Education then ratifies or rejects textbooks on the list the commission selects.

The commission schedules its selections on a rotating basis, covering three subject areas: (1) language arts; (2) homemaking, music, social studies; and (3) business

education, driver education, foreign languages, health, mathematics and science. It considers several thousand textbooks during each selection period and involves several hundred Oregon teachers and administrators in the selection process.

Local school districts select textbooks from the state adopted list, except as provided by ORS 337.141. Exceptions, however, must also meet the guidelines and criteria established by the State Board of Education.

Who Should Conduct Educational Programs? Oregon's Constitution, which requires the popular election of a Superintendent of Public Instruction, leaves the delegation of his or her powers and responsibilities for conducting Oregon's educational programs to the Legislative Assembly. In 1951 the legislature established the State Board of Education and put in their hands primary responsibility for planning and evaluation of public education. In 1968 the Oregon Supreme Court was asked to hear a friendly suit to determine whether the Superintendent of Public Instruction (a constitutional officer) or the State Board of Education (a legislative creation) should have primary responsibility for establishing policies for Oregon's public schools. The Supreme Court ruled in favor of the State Board of Education. Statutes direct the Superintendent of Public Instruction to serve as the Board's administrative officer, to carry out policies the State Board adopts and to assume responsibility for decisions concerning the proper administration of school laws and State Board administrative rules and policies which guide school officials and teachers in the performance of their duties.

Neither the Constitution nor the legislature has established professional qualifications for the office of Superintendent of Public Instruction. He or she is elected to a four-year term on a nonpartisan ballot. The Governor appoints the seven members of the State Board of Education, subject to Senate confirmation, for four-year terms. Board members must be residents of Oregon and cannot be engaged in teaching or in administration or operation of any school. One member must be selected from each congressional district and the remainder from the state at large. After December 1971 each member is limited to two consecutive full terms.

To conduct the administrative activities relating to statewide supervision and management of public elementary and secondary schools and community colleges, and the licensing of private vocational schools, the legislature in March 1951 authorized the establishment of an Oregon Department of Education. State Board of Education policies and administrative rules require staff members to conduct almost all administrative activities with the advice and asssistance of advisory committees appointed by the State Board and made up of representatives of the appropriate specialty fields among Oregon teachers, administrators, community college instructors, college and university faculties, and other citizens.

Who Administers Local Schools? Voters in local school districts select board members who oversee the operation of educational programs in school, intermediate education, and community college or area education districts. Although the legislature prescribes the number, terms, and manner of election of district board members, usually the only qualifications prescribed by law are that candidates must be residents and voters of their districts.

Residents of local districts with a population of less than 300,000 elect five board members for four-year terms. Local districts with 300,000 or more population (Portland) elect seven board members for four-year terms who must be citizens of the United States and of Oregon and residents of their districts for one year immediately preceding their election.

Administrative school districts (most unified districts) with not over 40,000 population elect seven board members for four-year terms unless the district is zoned, in which case it elects a member from each zone. Administrative districts with a population between 40,000 and 300,000 (e.g., Beaverton, Salem, Eugene) elect seven board members.

Intermediate education district voters elect seven board members who serve four-year terms. The legislature has directed that IEDs with less than 300,000 population be divided into from two to five zones, each of which elects a board member. The rest of the members are elected at large. IEDs that embrace fewer than five local districts must elect one director from each of these districts and the rest at large. Board members are nominated by petition and must be qualified to vote in the elections in which they are candidates.

Voters of community college and area education districts (the latter contract for community college services) elect seven board members to oversee the operation of education programs in their districts. Petitions to form the districts can specify whether board members will be elected from zones or at large. Board members must be residents of their districts (or zones) and qualified voters.

Who Teaches in the Classroom? Responsibility for choosing those who actually conduct Oregon's educational programs is harder to pinpoint. Technically, the authority to employ teachers and administrators rests with local school and community college boards. A board's power to choose is diluted, however, by the complexities of supply and demand—the willingness and ability of communities to provide satisfactory salaries and working conditions, the quality of teacher recruitment and education programs, the restrictions of state certification, minimum standards, tenure laws, and merit pay systems. Oregon's legislature has given the Teacher Standards and Practices Commission authority to exert some control over the quality of teachers available through accreditation of college teacher education programs and through teacher certification standards. But teaching, some argue, is one field whose credentialing system has been skewed by an overemphasis on formal education as a job prerequisite. Those who so argue would put instead the emphasis on testing for competence—not on where one has been but on what he or she can do. Perhaps the best from both points of view has yet to be seen.

The State Board of Education appoints the 17-member Teacher Standards and Practices Commission. Its members serve three-year terms. Except for one district school board member and two members from the general public, members must have been actively engaged in teaching, supervising, or administering in Oregon public schools or approved teacher education institutions for the five years immediately preceding appointment. The commission has the legal authority to issue, suspend and revoke teaching and administrative certificates.

The Fair Dismissal Appeals Board consists of 20 members appointed by the Governor for four-year terms—five administrators, five permanent teachers, five district school board members, and five others not affiliated with a school district. This board hears cases involving the dismissal of teachers who file an appeal with the Superintendent of Public Instruction; it reports its findings and recommendations to the teacher, the district superintendent, the district school board and the Superintendent of Public Instruction.

The Fair Dismissal Law of 1973, which applies to all public elementary and secondary teachers, is designed to protect teachers against what the Supreme Court has called "arbitrary or capricious" action by school boards and to give the teaching profession the responsibility for policing its own members. The law requires school districts to conduct annual evaluations of teachers and maintain personnel records of specified contents for each teacher. Such files are to be open to inspection by the teacher concerned and each teacher is entitled to include his or her own explanation of performance evaluations.

Further, the law requires that probationary (nonpermanent) teachers be notified of contract nonrenewal by March 15 and provides for the right of the teacher to an informal hearing before the district board regarding the reason for nonrenewal. It vests authority for temporary, immediate suspension of a teacher with the district superintendent, and vests authority for permanent dismissal of a teacher with the district board, establishing "due process" procedures for dismissal.

Although the fair dismissal law may restrict the district's ability to improve staff by eliminating poor teachers, probably a greater restriction is the wealth of the district and the willingness of its voters to provide sufficient funds for salaries to attract quality teachers to the district.

What Noninstructional Services Are Provided? Except for guidance and health, for which the State Board has set minimum standards, authority to determine what services a district will provide is entirely in the hands of the school board. In most cases, however, once a decision to provide specific service is made, laws and administrative rules of the State Board of Education regulate the manner in which they must be provided.

If school lunch programs are operated, they are strictly regulated by the State Health Division and State Board of Education. The Oregon Department of Education administers the allocation of federal reimbursement and surplus food distribution to local districts.

If pupil transportation is provided at school district expense, such transportation must conform to numerous laws and rules governing its operation.

Intermediate education districts have the authority and responsibility to provide health, guidance, testing, and many other services for students attending small or isolated schools which cannot provide such services on an individual district basis. School district boards may contract with IEDs for the services or may obtain them if two-thirds of the local district boards representing at least one-half the student population of the IED make resolution.

THE GOOD OLD DAYS

Manhattan elementary school teachers in 1872 were required to fill lamps, clean chimneys, and trim wicks each day; to bring a bucket of water and a scuttle of coal for the day's session; and to whittle pens carefully. Men teachers were allowed one evening each week for courting, or two evenings a week if they went to church regularly, but women teachers who married or "engaged in other unseemly conduct" would be dismissed. Every teacher was urged to lay aside from each pay a goodly sum of his earnings for his declining years so that he will not become a burden on society. The teacher who performs his labors . . . without fault for five years will be given an increase of 25 cents per week in his pay providing the board of education approves.

Half a century later, Idaho women teachers, in order to earn $75 a month, were required to sweep the classroom floor daily, start the fire at seven in the morning, and wear at least two petticoats. They were forbidden to "keep company with men"; get married; dress in bright colors; dye hair; use face powder, mascara, or lipstick; loiter in ice-cream parlors; smoke or drink; leave home between 8:00 p.m. and 6:00 a.m.; or leave town without permission.

If you left school today weary and discouraged, you may now decide that things might be worse. You *could* be paid in tallow and feathers and forbidden to engage in such unseemly conduct as getting married. Teaching isn't what it was in the good old days.

A Michigan teacher in 1827 signed a contract agreeing to "teach an orderly English school for the term of three months, such as spelling, reading, writing, and arithmetic to the best of his ability for the sum of one dollar in cash per scholar or one dollar and fifty cents in trade. Wheat at 40 cents per bushel, rye 30, corn 20, flaxseed 37½ per bushel, sugar and tallow at 6½ cents per pound, feathers and beeswax at 25 cents per pound."

Standards of preparation were correspondingly low and crept up so slowly that as late as the 1890's a fourteen-year-old with a sketchy education could teach in Nebraska. Elinor Bluemel, in her biography of Emily Griffith (later the founder of Denver's Opportunity School) tells how Emily obtained her first teaching position then:

When the teenager appeared as a candidate before the board members, one objected that she was too pretty to teach, but others persuaded him to try her. "Read something," he commanded. She did. "Spell vicissitudes." She spelled correctly, according to the speller he held. "Figger a problem havin' to do with barrels o' grain." She did. "Write on the blackboard." Emily wrote, "I would very much like to teach in your school."

"Humph," he snorted. "I don't like the way you make your esses." Emily made a different kind of "s" and was hired for the term.

In 1900, a Missouri high-school graduate could receive a contract to teach a six-month school year for $30 a month, provided there is money enough.

—*NEA Journal* (December 1961)

How Are School Districts Organized? The organization of local school districts is usually defined in terms of grade levels (elementary, secondary) or student enrollments. For example, as of July 1975, Oregon classified its 334 local school districts as follows:

187 were "unified" districts (including four county unit school districts and 33 unified elementary districts who contract with other districts for the education of their high school students) providing education for grades 1 through 12.

24 were "union high school districts" providing education for grades 9 through 12, and 7 through 12.

123 were "elementary districts" providing education in grades 1 through 6 or 1 through 8, but forming component parts of a union high school district.

At the present time, 85 percent of Oregon's students attend school in unified districts. In all probability, the next major progress in school district reorganization in Oregon will revolve around unification of the 24 union high school districts with their 123 component elementary districts, and subsequent annexation or consolidation of the remaining 33 unified elementary districts. Chief arguments for organizing all school districts into unified districts include service and voter participation. First, elementary and high school curriculums may be coordinated, and thereby sometimes save money. Second, parents now living in elementary districts contracting for high school education could participate in elections carried on by high school districts in which their children are educated.

RESOURCES

Resources may be found alphabetically under three headings: NATIONWIDE, STATE & LOCAL, and AUDIO-VISUAL. Unless otherwise annotated, request a publications list or catalog; then order, following directions from that source.

NATIONWIDE

American Bar Association
Committee on Public Relations
1155 East 60th Street
Chicago, IL 60637
(312) 493-0533

American Bar Association
Special Committee on Youth Education for Citizenship
1155 East 60th Street
Chicago, IL 60637
(312) 493-0533

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
815 16th Street NW
Washington, DC 20006
(202) 637-5000

B'Nai B'Rith International
1640 Rhode Island Avenue
Washington, DC 20036
(202) 393-5284

Brookings Institution
1775 Massachusetts Avenue NW
Washington, DC 20036
(202) 797-6000

Center for Information on America
Washington, CT 06793
(203) 868-2602

Center for the Study of Democratic Institutions
P. O. Box 4068
Santa Barbara, CA 93103
(805) 969-3281

Common Cause
2030 M Street NW
Washington, DC 20036
(202) 833-1200

ERIC Clearinghouse on Rural Education and Small Schools
New Mexico State University
Las Cruces, NM 88001
(505) 646-2623

Joint Reference Library
1313 East 60th Street
Chicago, IL 60637
(312) 947-2162

Recent Publications on Governmental Problems, a bibliography of current writings on government, law, taxes, etc., published every two weeks

League of Women Voters of the United States
1730 M Street NW
Washington, DC 20036
(202) 296-1770

National Association for the Advancement of Colored People (NAACP)
1790 Broadway
New York, NY 10019
(212) 245-2100

National Education Association
1201 16th Street NW
Washington, DC 20036
(202) 833-4000

National Tax Association–Tax Institute of America (NTA-TIA)
21 East State Street
Columbus, OH 43215
(614) 224-8352

National Urban League
500 East 62nd Street
New York, NY 10021
(212) 644-6500

Public Affairs Committee
381 Park Avenue South
New York, NY 10016
(212) 683-4331

Scholastic Social Studies Center
904 Sylvan Avenue
Englewood Cliffs, NJ 07632
(201) 567-7900

Sloan School of Management
Massachusetts Institute of Technology
Cambridge, MA 02139
(617) 253-7150

The *National Tax Journal* gives issues in financing modern governments

Southwest Educational Development Laboratory
211 East 7th Street
Austin, TX 78701
(512) 476-6861

U.S. Government Printing Office
Superintendent of Documents
Washington, DC 20402
(202) 541-3731

Vermont Department of Education
Chief of Secondary Education
Montpelier, VT 05602
(802) 828-3111

DUO (Do Unto Others) is a course designed to involve high school students in volunteer community service for academic credit

STATE AND LOCAL

Associated Oregon Industries
1149 Court Street NE
Salem, OR 97301
(503) 588-0050

Association of Oregon Counties
P.O. Box 2051
1201 Court Street NE
Salem, OR 97308
(503) 585-8351

Bureau of Governmental Research and Service
University of Oregon
Eugene, OR 97403
(503) 686-5232

Center for Population Research and Census
Portland State University
P.O. Box 751
Portland, OR 97207
(503) 229-3922

Colegio Cesar Chavez
Dean of Instructional Materials
Mt. Angel, OR 97362
(503) 845-2234

County Extension Agents
of the Oregon State University Extension Service

County Government Officials

Democratic Party of Oregon
P.O. Box 1084
380 West 13th Street
Eugene, OR 97401
(503) 345-7000

Intergovernmental Relations Division
Executive Department
240 Cottage SE
Salem, OR 97310
(503) 378-3732

Intermediate Education District Officials

League of Oregon Cities
P.O. Box 928
1201 Court Street NE
Salem, OR 97308
(503) 588-6466

League of Women Voters of Oregon
494 State Street, Suite 216
Salem, OR 97301
(503) 581-5722

Local Boards of Education

Local Chambers of Commerce

Local Government Officials

Local School Officials

Migrant Education Service Center
3000 Market Street
Salem, OR 97301
(503) 378-6853

Oregon Department of Education
Documents Clerk
942 Lancaster Drive NE
Salem, OR 97310
(503) 378-3589

Oregon Department of Education
Indian Education Specialist
942 Lancaster Drive NE
Salem, OR 97310
(503) 378-3061

Oregon Department of Education
Social Studies Specialist
942 Lancaster Drive NE
Salem, OR 97310
(503) 378-4326

Oregon Department of Human Resources
Employment Division
875 Union Street NE
Salem, OR 97310
(503) 378-3253

Oregon Department of Revenue
204 State Office Building
Salem, OR 97310
(503) 378-3363

Oregon Education Association
1 Plaza SW
6900 SW Haines Road
Tigard, OR 97223
(503) 639-7651

Oregon School Boards Association
P.O. Box 1068
1201 Court Street NE
Salem, OR 97308
(503) 588-2800

Oregon State Bar
1776 SW Madison
Portland, OR 97205
(503) 229-5788

Oregon State Library
Librarian
Salem, OR 97310
(503) 378-4243

Oregon State System of Higher Education
Chancellor's Office
P.O. Box 3175
Eugene, OR 97403
(503) 686-4141

Oregon Student Public Interest Research Group (OSPIRG)
115 SW 4th Avenue, Room 400
Portland, OR 97204
(503) 222-9641

Student research on environmental, consumer, and civil rights matters

Republican State Central Committee of Oregon
2000 SW 5th Avenue
Portland, OR 97201
(503) 228-6922

Secretary of State
State Capitol
Salem, OR 97310
(503) 378-4139

State Court Administrator
Supreme Court
Supreme Court Building
Salem, OR 97310
(503) 378-6022

Superintendent of Public Instruction
Oregon Department of Education
942 Lancaster Drive NE
Salem, OR 97310
(503) 378-3573

Teacher Standards and Practices Commission
942 Lancaster Drive NE
Salem, Oregon 97310
(503) 378-3586

Urban Indian Program
2326 NW Westover Road
Portland, OR 97210
(503) 248-4562

U.S. Department of Commerce
District Office
1220 SW 3rd Avenue, Room 618
Portland, OR 97204
(503) 221-3001

Bureau of Census publications available here as well as from the U.S. Government Printing Office

AUDIOVISUAL

Educators Progress Service, Inc.
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GOVERNMENT IN OREGON

YOUR VIEWS ARE IMPORTANT! After you read and examine this publication, please forward your comments to the Oregon Department of Education. For your convenience, this form is provided. If you would rather talk by telephone, please call 378-4326.

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_____

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